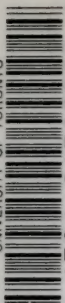


UNIVERSITY OF TORONTO



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PRESENTED
TO
THE UNIVERSITY OF TORONTO
BY

Colonial Secretary
Cape Town

RECORDS OF THE CAPE COLONY.



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RECORDS OF THE CAPE COLONY

From DECEMBER 1827 to APRIL 1831.

COPIED FOR THE CAPE GOVERNMENT, FROM THE
MANUSCRIPT DOCUMENTS IN THE PUBLIC
RECORD OFFICE, LONDON,

BY
GEORGE M^cCALL THEAL, D.Lit., LL.D.,
COLONIAL HISTORIOGRAPHER.

VOL. XXXV.

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PRINTED FOR
THE GOVERNMENT OF THE CAPE COLONY.

1905.



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PREFACE.

IN this volume the text of the documents in the Public Record Office in London relating to the Cape Colony to the close of the year 1827 is completed, and according to arrangement the series should end. I have added, however, all the letters and reports bearing the signatures of the Commissioners of Enquiry not issued before that date and the concluding correspondence concerning the suppression of the *South African Commercial Advertiser*, in order to make this series of records as complete as possible. On the 1st of January 1828 a new system of government was introduced in the Cape Colony. Perhaps at some future time the records from that date onward may be printed for general use; but with this volume and one other containing a register of the documents in the series, the task assigned to me is brought to an end.

GEO. M. THEAL.

London, October, 1905.

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RECORDS OF THE CAPE COLONY.

[Original.]

Revenue of the Year 1827.

Banks, Loan	£6,309	5	3 $\frac{1}{4}$	
„ Discount	3,212	9	8 $\frac{1}{2}$	
				£9,521 14 11 $\frac{3}{4}$
Customs, Duties on Imports	£13,563	6	3	
„ Fees on Exports and Imports	592	6	1	
„ Store rent and duties on Bonded Goods	2,345	12	0	
„ Wharfage	1,238	14	9	
				17,739 19 1
Duties on Public Sales,—On Movables at 5 per cent	£8,940	10	5 $\frac{1}{2}$	
„ „ „ 3 „	2,982	6	1	
„ On Immovables at 2 $\frac{1}{2}$ per cent.	303	5	1 $\frac{1}{2}$	
„ „ „ 2 „	188	0	7 $\frac{1}{2}$	
				12,414 2 3 $\frac{1}{2}$
Duties on Transfer and Tithes and Duties on the Retail of Wine, &c.,				
„ Transfer dues	£6,225	5	1	
„ Tithes	4,596	11	7	
„ Licences for the Retail of Wine and liquors farmed out to the highest bidder and of duties substituted in lieu thereof	7,169	5	6 $\frac{1}{2}$	
„ Gauging dues	1,247	19	6	
„ Fees	13	19	1 $\frac{3}{4}$	
				19,250 0 10 $\frac{1}{4}$
Land Revenue, Rent on Loan places	£3,159	0	0	
„ Do. on Perpetual Quit-rent places	3,012	19	4 $\frac{1}{2}$	
„ „ on Old Quitrent places	105	6	9 $\frac{3}{4}$	
Carried forward	£6,277	6	2 $\frac{1}{4}$	£58,928 17 2 $\frac{1}{2}$

Records of the Cape Colony.

Brought forward	£6,277	6	2½	£58,928	17	2½
Land Revenue, Rent on Gratuity Lands	83	1	6			
" " on Hire of Government places	532	7	11½			
" Licences for cutting Timber	41	0	2½			
" Interest on Capitals.	156	11	3			
" Fees	222	15	6½			
				7,313	2	8½
Duties on Stamps				12,113	19	6¼
Sequestrator's Department, Administration Salaries	£2,429	17	1¼			
Fees	476	2	11	2,906	0	0¾
Printing Department				1,382	3	0
Port Dues				1,062	13	5¼
Postage				2,683	5	3¼
Fees collected, In the Colonial Office	£711	11	3			
" " Court of Appeals	480	15	5			
" " Court of Justice Office	1,194	1	10¼			
" " Police Department	128	5	4½			
" " Slave Registry	779	14	9			
" " Orphan Chamber	881	11	5½			
" " Town Prison	54	8	1½			
" " Secretary of the Per- manent Sitting Com- missioner's Office	37	16	3			
				4,268	4	5½
Fines and Forfeitures collected	80	13	9			
Sums Refunded on Various Accounts	7,350	0	11¼			
Proceeds of Articles sold for Account of Government	618	9	10½			
Sundry Receipts	4,621	13	0½			
				12,670	17	7
Collections on Account of Commando Tax				3,566	0	0
Total Revenue				£106,895	3	3¼

SCHEDULE of Taxes, Duties, Fees, and all other Sources of Revenue, specified under the respective Laws or Authorities under which they are derived.

HEADS OF REVENUE.

BANK, Profits of, were regulated by several Regulations of the Dutch Government of 15 March 1793, 4th May 1804, &c. and continued and enlarged under the British Administration by additional Instructions dated 1st June 1808.

LOMBARD, The Revenue of the Lombard Bank is derived from an Interest payable by the Public on the funds placed under the administration of the President and Directors of the Bank and lent to Individuals at the rate of Six per Cent per annum.

DISCOUNT, That of the Discount Bank from Interest received on the Discount of Bills, Bonds and other Sureties at the rate of Six per Cent per annum.

The Fees charged in the Lombard Bank are authorized by Government Instructions of 15th March 1793 and additional Instructions of 1st June 1808, and are paid into the Treasury along with the Collections of the other Departments monthly.

They are the following :—

	<i>s.</i>	<i>d.</i>
For a mortgage Bond not exceeding £37 10s.	4	8½
and one half per cent on the amount of the Loan.		
For a mortgage Bond from £37 10s. to £75	9	4½
and two per mille on the amount of the Loan.		
For a mortgage Bond of £75 and upwards	9	4½
and one per mille on the amount of the Loan.		
For a deed of prolongation of a Loan not exceeding £37 10s.	1	8½
and ½ per cent on the amount.		
Of one from £37 10s. to £75	1	8½
and three shillings per mille on the amount.		
Of one of £75 and upwards.	3	2½
and one shilling and sixpence per mille on the amount.		
For a deed of personal Security	7	10½
„ „ of transfer of mortgages	7	10½

These charges are independent of the requisite Stamps for the Bonds &c.

CUSTOMS, Regulated by the Orders in Council and the local Proclamations of the British Administration.

The following are the duties levied in this Department. 3½ per cent on the Service price of all British produce or manufactures landed from British Ships—By Order in Council dated 14 November 1821. 10 per cent on all Foreign Articles landed from British Ships. By Proclamation of 29th September 1809. 10 per cent on all articles the produce or manufacture of Foreign States in Amity with Great Britain (except Woollens, Cottons, Manufactured Iron and Steel) brought in Ships belonging to those States. By Order in Council dated 12 July 1820.

The following are the fees collected in the Custom Department.

	<i>s.</i>	<i>d.</i>
For entrance or clearing of a Vessel	5	0
For landing or shipping cargo	15	0
For landing or shipping part cargo	7	6
	B	2

	s.	d.
For clearance of a coaster	1	6
For landing or shipping cargo of a coaster	3	0
For manifest of Export cargo	1	6
For permit to land or ship the luggage of an Individual	0	9
For permit to land or ship merchandise or stores	1	6

A certain sum per week for bonded goods in proportion to the bulk and value. By Proclamation of 24 June 1814.

The WHARF Department is a Head of Revenue under the immediate control of the Custom House, and authorized by a local Proclamation of 1st April 1819.

For the repair of the Wharf and use of the tackling a payment is levied on the embarkation and disembarkation of each

	s.	d.
Horse	1	6
Cattle per Head	1	6
Pipes, Casks or Cases of half a ton and upwards	1	6
Half pipes and other Casks	0	9
Sheep and Pigs	0	4½

PORT DUES are collected under a Proclamation of the British Administration issued in 1813.

They consist as follows.

Of two pence farthing sterling per Ton on vessels touching for water or refreshment levied under the former Dutch Government.

Of four pence half penny sterling per Ton on Do. for the purpose of trade. By Proclamation dated 15th January 1813.

Of four pence half penny sterling per Ton on Coasting Vessels payable half yearly, considering these Vessels as making two foreign voyages in the year.

Of one shilling and sixpence sterling per Ton on every licensed boat employed on the coast. By Instructions dated 31st March 1819.

Of three shillings sterling on each vessel subject to pay Port dues for a copy of the Port Instructions delivered to every Vessel arriving, being levied for the purpose of defraying the expense for stationery thereby incurred.

Of seven shillings and sixpence sterling on each vessel subject to pay Port Dues, or clearing outwards, formerly enjoyed by the Port Captain.

DUTIES ON PUBLIC SALES were levied under the Dutch Government under regulations framed by Commissioners Nederburgh and Frykenius in 1793 and subsequent resolution of the Governor in Council of 23rd October 1805. Under the British Administration by Proclamation of the 30th October 1795, Instructions of the 1st June 1808, and finally by Regulations of 6th December 1816.

The rate of duty charged in Cape Town is 5 per cent on movables and $2\frac{1}{2}$ per cent on Immovables, which are accounted for to Government with the exception of $\frac{1}{3}$ th part of the amount of per centage due which is allowed to the Auctioneers in lieu of all other remuneration.

In the Country Districts the same rate of duty is charged, but in lieu of receiving any fixed Salary from Government the Vendue Masters there enjoy 2 per cent on the movable and $\frac{1}{2}$ per cent on the immovable property, the remainder only being carried to the credit of the Government.

On all articles disposed of at the public fairs held on the borders of the Colony 3 per cent is charged by Proclamation of 5th January 1826— $\frac{2}{3}$ ds of which go to the Vendue Master, the remainder being accounted for to Government.

DUTIES ON STAMPS are levied on the Dutch System, subsequently enlarged and amended by the Proclamations of the British Administration dated 24th December 1807 and 30th April 1824.

The revenue of the Stamp Office is derived from the sale of stamps.

The use of stamped paper was introduced in the year 1714 by order of the Directors of the Dutch East India Company and the first tariff of stamps published on the 9th July of that year. This tariff has however undergone successive modifications and the one now in observance was issued on the 10th December 1824.

Independent of the duties directed to be levied by the foregoing tariff, the following are also levied by Ordinance of His Honor the Lieutenant Governor in Council passed on the 23rd of October 1826, on Newspapers and other periodical works printed and published in the Colony.

	s.	d.
Any newspaper or paper containing public news, Intelligence or Occurrences and not exceeding one Sheet	0	1
For every additional half sheet thereof	0	$0\frac{1}{2}$
Any Almanac or Calendar for any year or time less than a year	0	6
Any Almanac or Calendar made to serve for any longer time than a year, or for several years	3	0
Any Colonial Directory	0	6

INSOLVENT ESTATES. The administration salary and fees chargeable herein were regulated by the Dutch (Batavian) Government, under the Commissioner Generalship of Mr. De Mist in 1803 and are still collected accordingly.

The duties payable are 5 per cent on the execution of Sentences and $2\frac{1}{2}$ per cent on the liquidation of the same.

The fees charged in the Sequestrator's Office are authorized by the instructions framed for this Department by the Court of Justice in December 1818 at the time that the Sequestrator's Department superseded that of the Board of Insolvent Estates.

*Records of the Cape Colony.**Sequestrator's Fees.*

	<i>s.</i>	<i>d.</i>
For attendance and writing in the Day book every appearance prescribed in the Instructions . . .	3	9
For Do. at taking an Inventory per day . . .	3	0
For Do. at the sale	3	0
For framing the Accounts of the proceeds of an Estate	3	0
For signing the same	0	9
For framing a plan of distribution of an Estate for the inspection of Creditors and other interested parties, thereupon to be submitted to the Court of Justice for approval per page	0	9
For framing the Accounts of Settlements of Estates not insolvent per page	0	9

Head Clerk's Fees.

For framing the Inventory	0	11½
For attendance at taking the Inventory per day . . .	3	0
For every Abstract, Certificate &c. of one page . . .	2	4½
For every Subsequent in addition	0	9

Fees on Sentences.

<i>For the Sequestrator or Assistant.</i> —Attendance and entry in the Daybook on the receipt or attachment of goods to cover Sentences with.			3	9
For Do. when the Debtor does not appear	3	0		
For Do. at a public sale per day	3	0		
For framing the Accounts of Settlements per page . . .	0	9		
For signing the same	0	9		

Head Clerk.

For registering a Sentence lodged for execution . . .	1	6
For expunging the same	1	6
For framing the Inventory of goods received or attached	0	11¼
For attendance at taking the Inventory per diem . . .	3	0

Messenger's Fees.

For every appointment ordered by the Sequestrator agreeably to the Instructions	1	6
For attendance at taking the Inventory per day . . .	1	6
For Do. at the sale per day	1	6
For Do. at framing the Accounts of Settlements . . .	1	6

TITHES AND TRANSFER DUES are levied under a variety of Dutch Proclamations of which the first is as old as 28th December 1686. These

duties were further regulated in the first British Administration by Proclamations of 27th February 1797 and 20th July 1798. Under the Batavian Government by Proclamations of 23rd May and 13th June 1803, and finally under the British Government by the following Proclamations viz. 7th July 1807, 12th March 1812, 13th May 1815, 2nd January and 28th March 1818.

The system of farming the retail of Cape Wines and Brandies has been abolished by Proclamation of 14th November 1823, and in lieu of it the sale of licences has been established in Cape Town and its vicinity, which licences are issued at the following rates.

	£	s.	d.
For retailing Cape Wines, Brandy &c.	112	10	0
For exporting or selling do. by the half aum or larger quantity	18	15	0
For importing spirituous liquors by Do.	15	0	0
Added to which the following duties have been levied to replace the revenue formerly derived.			
On all French Brandy sold for Colonial consumption per Gallon	0	1	6
On Cape Wine brought to the Town Market and not disposed of to the licensed dealers in Cape Wine			
For a Leager	0	9	0
„ a half Do.	0	6	0
„ an aum	0	3	9
Licence for retailing Cape Wine	£45 per annum.		

TITHES.—The duties levied in this Department are as follows :

s.	d.	
4	6	On each leager of Wine passing the market for wine merchants
12	0	On Do. for private individuals.
4	6	On each leager of Brandy.
4	6	On every 2,000 lbs. of Bread.
4	6	„ „ 1,200 „ Flour.
4	6	„ „ 10 Muids of Wheat.
3	6	„ „ 10 „ Rye.
2	0	„ „ 10 „ Barley.
7	6	„ „ 10 „ Peas.
6	0	„ „ 10 „ Beans.
1	6	„ „ 10 „ Oats.
1	6	„ each cask passing the market.

By Proclamation dated 20th March 1818.

- 1 1½ for each receipt for Transfer duty.
- 0 2¼ „ „ permit to transport wine, beer &c. to Simon's Town.

By Government letter dated 10th July 1816.

TRANSFER DUES.—4 per cent on the sale of House and landed property in Cape Town and on freehold places and lands throughout the Colony by Proclamation dated 2nd January 1818.

2½ per cent on loan places.

By Proclamation dated 2nd January 1818.

LAND REVENUE was levied under the Dutch Regulations on the system of loan leases up to the year 1813, but the land tenure was altered and improved and the Revenue of Government arising therefrom newly regulated by Proclamation of 6th August 1813.

The rent derived annually from loan places, perpetual quit rent lands, old quit rent lands and gratuity lands is fixed at different rates varying according to the value of the several portions of Land applied for which is ascertained by the local authorities who are specially commissioned to inspect the same.

The undermentioned are the fees charged in this Department, no authority however can be traced under which they were first established.

	s.	d.
For a receipt of one year's rent on Perpetual quit rent land	0	9
For a receipt of one year's rent on Old quit rent land .	0	6½
" " " loan places .	1	1½
" " " " freehold .	0	6½

The above charges are made exclusive of Stamps.

PRINTING OFFICE.—The charges in this Department are authorized by the Government Advertisement of 4th August 1825.

The following Tariff doing away with that established by Sir David Baird in 1806;—

	s.	d.
From 1 to 8 lines included	3	0
" 9 to 12 " "	6	0
" 13 to 16 " "	9	0
" 17 to 20 " "	12	0
" 21 to 25 " "	15	0
For each line above 25	0	6

In the above Tariff are included all charges for translations, stamps, &c.

POSTAGE.—The following Table of the rates of Postage supersedes that hitherto in force.

Table of Rates of Postage.

Established under the Ordinance of His Honor the Lieutenant Governor in Council, No. 25, of the 9th of October, 1826 :—
Direct and Intermediate Rates on the Post Route to the Eastern Frontier.

To and from Cape Town to	To and from Cape Town to	Holland.	Caledon.	Swellendam.	Port Beaufort.	George.	Plettenberg's Bay.	Uitenhage.	Port Elizabeth.	Graham's Town.	Bathurst.	Port Frances.	Graaff Reinet.	Somerset.	Craddock.
Somerset (Hots, Holland) . . .	3d.														
Caledon . . .	5	2d.													
Swellendam . . .	7	4	3d.												
Port Beaufort . . .	8	6	4	3d.											
George . . .	9	7	6		6d.										
Plettenberg's Bay . . .	11	9	8	7	8	5d.									
Uitenhage . . .	10	9	8	7	8	6	8d.								
Port Elizabeth . . .	11	10	9	8	9	7	9	2d.							
Graham's Town . . .	12	11	10	9	10	8	10	4	6d.	3d.					
Bathurst . . .	13	12	11	10	11	9	11	5	7	4	1d.				
Port Frances . . .	13	12	11	10	11	9	11	5	7	6		7d.			
Graaff Reinet . . .	12	11	10	9	10	8	10	4	6	6	7		3d.		
Somerset . . .	13	12	11	10	11	9	11	5	7	3	4	4		3d.	
Craddock . . .	13	12	11	10	11	9	11	5	7	3	4	4			
Beaufort . . .	13	12	11	10	11	9	11	5	7	9	10	10	6	8	7d.

Direct and Intermediate Rates on the Post Route to the Northern Frontier.

To and from Cape Town to	To and from Cape Town to	Stellenbosch.	The Paarl.	Tulbagh.	Worcester.
Stellenbosch . . .	3d.				
The Paarl . . .	4	2d.			
Tulbagh . . .	6	5	4d.		
Worcester . . .	7	6	5	3d.	
Clanwilliam . . .	8	7	6	4	6d.

To and from Cape Town and Simon's Town, 3d.

To and from Simon's Town, to any Place beyond Cape Town, 1d. above the Rates between that Place and Cape Town.

N.B.—Double Letters are to be charged double the Price of a Single Letter; Treble Letters, three times the Price; Letters of one ounce weight, four times the Price; and so on in proportion for every Letter exceeding one ounce in weight.

Ship Letter Rates.

Ship Letters sent from, and brought into, the Colony:—Single, 4d.; Double, 8d.; 1 Ounce, 1s. Ship Letters, if conveyed by Inland Post, 4d. only, in addition to the Inland Rates.

Newspapers sent from the Colony, each . . .	s.	d.
	0	1
„ „ by any Inland Post, each . . .	0	1

COLONIAL OFFICE or Office of the Chief Secretary to Government.

The fees of this office, though formerly received by its respective Officers have since the year 1808 been paid into the public Treasury. The period when and the authority under which they were established, cannot be exactly traced, they however appear to have taken their origin on the first establishment of this Office and to have undergone but immaterial alterations since that period:—

	s.	d.
Each deed of transfer of landed property . . .	9	9
Each deed of Mortgage . . .	9	9
Registry of each Bond . . .	1	6
Licence to sell Vegetables . . .	2	3
Licence to cut reed per 1,000 bundles . . .	0	4½
All other Licences . . .	3	9
Ship Bonds . . .	1	1½

Grants of land for each title deed with the exception of

those of lands purchased which are given gratis . . . 8 3

These charges are independent of Stamps used in executing the above public Deeds.

OFFICE OF THE SECRETARY TO THE COURT OF APPEALS.

The fees of this Office are authorized by an order of the Court, until January 1818 the fees for Copies were received by the Secretary, out of which he defrayed the expense for stationery and the allowance to his Clerks, but since that period all the fees without any exception have been paid into the Public Treasury, the ordinary as well as the contingent Expense of this Office being borne by Government.

	£	s.	d.
The Secretary's attendance taking bond for the Costs and Expenses attending the prosecution of an Appeal and inquiring into the sufficiency of Securities		4	6
Bond		7	6
Engrossing same		4	5½
Filing the same		3	0
Certificate		4	6
Engrossing same		1	6
Filing a memorial		3	0
For each exhibit		1	6
Engrossing same each sheet		1	6
„ of exhibits for each sheet		1	6
Order thereon		4	6
Engrossing same		1	6
Signature		0	9
Filing the Cases, Rejoinders, Replies, &c. each		3	0
Engrossing first sheet		1	10½
For each subsequent one		1	6
The like of each of the Exhibits		1	6
Engrossing the Exhibits for each sheet		1	6
Sentence	11	8	½
Secretary's attendance taking bond for the Costs and Expenses attending a cause in Appeal to His Majesty the King in Council and inquiring into the sufficiency of the Securities		9	0
Drawing out the Bond and engrossing the same	1	7	0¾
Filing same		6	0
Secretary's attendance taking security for double the amount of the Sentence of this Court to be carried into execution, notwithstanding the appeal to His Majesty in Council		9	0
Drawing out the Bond and engrossing the same	1	7	0¾
Filing the same		6	0
Certificate		4	6
Engrossing same		1	6
Copying the proceedings had before this Court to His Majesty in Council for each Sheet	1	1	½
4 per cent upon the nett amount of Bills taxed.			

These charges are independent of the requisite Stamps.

OFFICE OF THE SECRETARY TO THE COURT OF JUSTICE.

These fees, including those chargeable by the Judges, were fixed by the Court on the 7th April 1820 and approved of by the Acting Governor Sir R. S. Donkin on the 19th of the same month.

FEES OF JUDGES.

For attending at and holding Courts and for recording for each day or less 3s.

But when acting beyond their place of residence 6s.

In Criminal Cases said charges for attendance are only made as follows.

A. For collecting preparatory Informations.

B. For holding Inquests and other local Inspections.

C. For investigating into and trying Crimes, subject to public punishment, with the following modifications and restrictions viz :

1st. In the event of the investigation and the trial taking place in one day, the charge shall not be made for every of these acts separately but for one day's attendance only.

2nd. If the Prosecutor is not allowed to charge Fees to the Defendant against whom the verdict is given, no fees for the Judge or Secretary shall be charged to him.

3rd. If a case be tried before the full Court of Justice no fees for the attendance of the members shall be charged.

SECRETARY'S FEES.

	s.	d.
For entering the Summons on the lists of cases and recording the trial	2	5½
For recording Criminal Trials including the examination of the Witnesses, per page of 20 lines	0	4½
For recording and promulgating a Decree, Order of Court or Sentence	2	5½
For making out a report to the Court containing four pages or less	3	0
For each additional page	0	9
For copies of any writings, containing 4 pages of 20 lines or less per page	0	9
For every further page	0	4½
For cancelling a Summons from the List previous to the opening of the Court	2	5½
For noting an appeal	1	6
For the abandonment of an Appeal	1	6
For the revocation on the minute of any deed in the Protocols, deposited in the Secretary's Office of the Court	1	6
For certifying a document and affixing the Seal of the Court	2	3
For certifying a Bill of Costs in a Simple case	0	9

	s.	d.
For making out a Bill of Charges of the Court . . .	1	6
For signing any copy or document whatsoever granted at the Secretary's Office of the Court . . .	0	9
On all sums of money deposited or sequestrated at the Secretary's Office of the Court . . .	2½	per cent.
Fines for non attendance of the litigating parties at the appointed time before the full Court, or their Com- missioner on a Summons or other Official warning established by Proclamation of the 1st January 1819.		
For the first non attendance . . .	7	6
„ „ second Do. . .	15	0
„ „ third Do. . .	1	2 6

OFFICE OF SITTING COMMISSIONER.

The fees collected in this Department are levied according to the
Tariff which regulates the Courts of Justice.

POLICE OFFICE.—The fees levied here are sanctioned by custom.

For the Registry of	s.	d.
A deed of Burghership	1	6
„ Colonial Passport	1	6
„ Licence for a wine merchant	1	6
„ Do. „ „ Baker	1	6
„ Do. „ „ Butcher	1	6
„ Do. „ keeping a Public House	1	6
„ Do. „ „ a Billiard Table	1	6
„ Do. „ a Boatman	0	9
For permission to have a Slave put in irons	0	9
Do. the irons taken off	0	9
Do. to buy a Slave	0	4½
For a Certificate for a Waggon	0	9

Independent of Stamps used when required.

TOWN GAOL.—The fees of the Town Gaol were sanctioned by His Excellency
the Governor on the 12th October 1818.

	s.	d.
For locking and unlocking the Prison Doors, if the Prisoner be released within 48 hours	0	9
After the expiration of 48 hours	1	6
Flogging a Prisoner	0	9

ORPHAN CHAMBER.

The establishment of the Orphan Chamber being defrayed out of its
own funds, the following is the only fee collected in the Department
which is now accounted for to Government.

4½ per cent on the proceeds of public sales held by the Orphan Chamber.

Authorized by the Instructions for the Orphan Board framed by
Government in the year 1793.

OFFICE OF THE REGISTRAR AND GUARDIAN OF SLAVES.

The fees charged in this Office are authorized by local Proclamation of the 26th April 1816.

	s.	d.
For the certificate of each birth	1	6
„ „ „ „ „ transfer	7	6
„ an extract from the registers for each Slave	0	9

The charges are independent of the requisite Stamps prescribed by the aforesaid Proclamation.

FINES AND FORFEITURES

Are levied according to circumstances after condemnation by the competent Courts.

COMMANDO TAX

Is authorized by Proclamation of the British Government dated 4th December 1812.

The Commando Tax is considered as an annual demand in force only during the necessity (and no longer) of maintaining a Military Force upon the Frontier of this Colony, and while the Inhabitants are bona fide exempted from affording their perpetual Services upon this description of duty.

The amount directed to be levied annually under this head by the foregoing Proclamation, is as follows, viz.

From Cape Town	£112
„ the Cape District	750
„ „ Stellenbosch do.	900
„ „ Swellendam do.	750
„ „ Worcester do.	750
„ „ George do.	300

THE ASSESSMENTS

Levied for defraying the Interior Expenses of the Provinces are collected under a Proclamation of His Excellency Sir J. F. Cradock, now Lord Howden ; which Proclamation did not add any new burthen but went to simplify and assimilate in each District the mode of collection which before had been arbitrary.

In Cape Town the Taxes consist in Hearth-money, ordinary assessments, contribution to the water pipes and Commando Tax, which are levied by Proclamation of 1st April 1814.

In the Country Districts in Head money, tax on Cattle, tax on produce, Commando Tax and contribution for Waggons, Horses, &c., required for the service of Government.

	s.	d.
All Heads of families, men and women:—All men above 16 and all women above 20 years of age pay per head	3	9
On each Head of Black Cattle are charged	0	0 $\frac{3}{4}$
„ a Saddle or Waggon Horse	0	1 $\frac{1}{2}$
„ „ Breeding horse	0	0 $\frac{3}{4}$
„ 25 Sheep or Goats	0	2 $\frac{1}{4}$
„ each Muid of Wheat	0	0 $\frac{3}{4}$
„ „ „ „ Barley		
„ „ „ „ Rye		
„ „ „ „ Oats		
„ „ leager of Wine	0	6
„ „ „ „ Brandy	1	1 $\frac{1}{2}$

The local charges and extraordinary taxes are levied according to the principles laid down in the Proclamation before mentioned.

[Original.]

Expenditure of the Year 1827.

	Fixed.	Contingent.	Total.
His Honour the Lieutenant Governor's Establishment	£5,974 4 0	£106 2 8 $\frac{1}{2}$	£6,080 6 8 $\frac{1}{2}$
Bank, Loan and Discount .	1,741 0 6	178 10 10 $\frac{1}{2}$	1,919 11 4 $\frac{1}{2}$
Custom and Wharf Department	4,796 11 8	172 13 9 $\frac{1}{4}$	4,969 5 5 $\frac{1}{4}$
Vendue Office	1,184 5 0	90 2 6	1,274 7 6
Collector of Tithes and Transfer dues	592 10 0	63 12 6 $\frac{1}{2}$	656 2 6 $\frac{1}{2}$
Land Revenue Office	460 10 0	33 2 5 $\frac{1}{2}$	493 12 5 $\frac{1}{2}$
Sequestrator's Department	987 15 0	764 13 6	1,752 8 6
Printing „	1,013 15 1	233 4 1	1,246 19 2
Post Office and Government Vessels	1,325 15 10	468 17 6 $\frac{3}{4}$	1,794 13 4 $\frac{3}{4}$
Post Office	3,659 4 6 $\frac{1}{8}$	1,617 18 2 $\frac{1}{2}$	5,277 2 8 $\frac{5}{8}$
Colonial and Stamp Offices.	4,243 18 6	1,107 0 3	5,350 18 9
Court of Appeals	1,286 5 0	52 10 0	1,338 15 0
Court of Justice	4,921 17 6	1,098 14 9	6,020 12 3
Court of Vice Admiralty	600 0 0	—	600 0 0
Fiscal's Department	1,185 0 6	184 9 5 $\frac{1}{2}$	1,369 9 11 $\frac{1}{2}$
Police „	3,543 14 9	4,545 0 5	8,088 15 2
Council Office	965 15 0	14 15 5 $\frac{1}{2}$	980 10 5 $\frac{1}{2}$
Slave Registry	1,303 17 6	108 3 8 $\frac{1}{2}$	1,412 1 2 $\frac{1}{2}$
Auditor of Accounts	726 0 0	4 15 0	730 15 0
Colonial Paymaster	1,171 0 0	3 12 3 $\frac{1}{2}$	1,174 12 3 $\frac{1}{2}$
Carried forward	£52,530 19 10 $\frac{3}{8}$

Expenditure of the Year 1827—continued.

	Fixed.	Contingent.	Total.
Brought forward	£435 0 0	£755 8 1½	£52,530 19 10½
Receiver General	435 0 0	755 8 1½	1,190 8 1½
Vaccine Institution, Medical Committee and Instructor of Midwifery	337 10 0	155 12 6	493 2 6
Slave Lodge	312 9 10	58 8 1	370 17 11
Inspector of Lands and Woods	232 10 0	3 18 5½	236 8 5½
Superintendent of Works and Buildings	685 5 0	90 16 6	776 1 6
Government Surveyor	187 10 0	—	187 10 0
English Clergy	1,764 11 8	54 0 0	1,818 11 8
Dutch Reformed Clergy	3,690 11 0¾	—	3,690 11 0¾
Lutheran „	13 14 6	—	13 14 6
Roman Catholic „	151 16 0½	—	151 16 0½
Residency Simon's Town	748 4 10¼	222 12 6¼	970 17 4½
Cape District	1,296 11 0¾	62 2 0	1,358 13 0¾
Residency, Saldanha Bay	156 12 10½	16 6 3	172 19 1½
Superintendent Buck Bay	31 17 6	—	31 17 6
Stellenbosch District	1,182 4 2¾	23 15 0	1,205 19 2¾
Swellendam „	982 2 3¼	25 0 0	1,007 2 3¼
Graaff Reinet „	1,897 5 0	—	1,897 5 0
Uitenhage „	1,401 6 3⅝	147 5 6¼	1,548 11 9⅞
Worcester „	1,428 16 11½	41 3 5¼	1,470 0 4¾
George „	1,245 3 3	172 0 2	1,417 3 5
Albany „	1,581 11 3	—	1,581 11 3
Somerset „	1,053 6 2⅞	497 6 6	1,550 12 8⅞
Agent, Caffraria	150 0 0	50 2 0	200 2 0
School Commission and Public Teachers	2,860 7 0¾	103 10 4½	2,963 17 5¼
Pensioners	2,370 12 6½	—	2,370 12 6½
Kowie Establishment	577 13 0	48 5 9	625 18 9
Public Library	102 15 0	767 9 10½	870 4 10½
Museum	—	75 0 0	75 0 0

In all Expense of Civil Establishment £82,778 10 5

Erection and Repairs of Government Buildings including the Expense of the public buildings carrying on in the Albany District	£5,922 5 9¾
Expense on Account of the Repairs done to the Road leading from the Military Lines to Simon's Town	3,142 0 10¼
Expense on Account of the Lepers	1,833 11 10¼
Gratuity towards the erection of the Scottish Church	306 7 4½

Carried forward £11,204 5 10¾

Brought forward . . .	£11,204	5	10½
Gratuity to Mr. Halbeck for reconnoitring the Spot of ground proposed by the Tam- boekie Chief Powana as the Site of a Mis- sionary Institution in that Country . . .	50	0	0
In all Miscellaneous Disbursements . . .	£11,254	5	10½
Pay of Commandant of Cape Castle . . .	184	0	0
„ „ „ „ the Frontier . . .	184	0	0
„ „ „ „ Simon's Town . . .	92	0	0
„ „ „ „ Robben Island . . .	92	0	0
„ „ „ „ Fort Frederick . . .	67	10	0
„ „ Officers and men of the Cape Corps of Cavalry and Infantry and Mounted Rifle Corps . . .	11,984	5	8½
Pensions to Men discharged from the Cape Corps and pay to several Hottentot Captains	757	19	3½
Disbursements on Account of the Colonial Corps of Cavalry and Infantry from the 25th December 1826 to 24th December 1827	142	7	3
Do. on Account of Saddlery and Remount Horses . . .	247	7	2
Do. „ „ of Recruiting Service . . .	8	8	6
Do. „ „ „ Lodging Money . . .	170	10	0¾
Do. „ „ „ Stable allowance . . .	97	5	6
Do. „ „ „ Forage allowance . . .	250	4	0
Do. „ „ „ Passage Money and Rent for Officers' Quarters . . .	87	10	9
Do Rent for Stores and Clothing . . .	588	9	8¾
In all Military Disbursements . . .	14,953	17	11
Total Expenditure . . .	£108,986	14	2¾

MILITARY EXPENDITURE.

Details of the Expenditure incurred by the Colony of the Cape of Good Hope on account of its Military defence.

MAINTENANCE OF NATIVE TROOPS.

Cavalry.

Pay and Pecuniary Allowances.

	£	s.	d.
Pay to the Main Corps of Cavalry stationed at Graham's Town from 25th December 1826 to 24th November 1827 . . .	5650	8	4½
Carried forward . . .	£5,650	8	4½

	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward . . .				5650	8	4½			
Non effective allowance to Major Andrews from 25th March to 24th December 1826	15	0	0						
Contingent allowance to four Troops of Cavalry from 25th December 1826 to 24th November 1827 . . .	219	6	8						
Rough Riding allowance to four Troops of Cavalry from 25th December 1826 to 24th November 1827	85	8	8						
Saddlers working allowance of four Troops of Cavalry from Do. to Do.	27	18	4						
Allowance for Stationery to the Orderly room of the Cape Corps of Cavalry from Do. to Do. . .	12	10	0						
Advance of Pay to reduced Officers of the Cape Corps of Cavalry from 25th November 1827 to 24th February 1828	424	18	9						
				785	2	5			
							6435	10	9½
Stable allowance to the Officers of Cavalry from 25th December 1826 to 24th November 1827 . . .	£57	18	0						
Do. for Stabling from 25th September 1826 to 24th December 1827 . .	39	7	6	97	5	6			
<i>Remount Horses and Saddlery.</i>									
Paid for Remount Horses . . .	57	1	6						
Do. for repairs of Saddlery . . .	190	5	8						
				247	7	2			
							344	12	8
<i>Infantry.</i>									
Pay and Pecuniary Allowances.									
Pay to the Main Corps stationed at Graham's Town from 25th December 1826 to 24th November 1827 . .				4912	16	5½			
Contingent allowance to Officers of Infantry from 25th December 1826 to 24th November 1827 . . .	100	10	0						
Allowance for Stationery to the Acting Paymaster, Orderly room and Schoolmaster Sergeant from 25th December 1826 to 24th November 1827	40	0	0						
				140	10	0			
Carried forward . . .				5053	6	5½	6780	3	5½

	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward				5053	6	5½	6780	3	5½
Lodging money to Officers of the Cape Corps of Cavalry and Infantry from 25th December 1826 to 24th November 1827	160	4	5½						
Forage Money to Officers of Infantry from Do. to Do.	250	4	0						
Balance due to the Acting Paymaster to close his Accounts to 24th December 1826	34	10	4¼						
	<hr/>			444	18	9½			
Pay and Pecuniary Allowances to Mounted Rifle Corps.									
Pay to the Main Corps stationed at Graham's Town from 25th November to 24th December 1827				384	17	6			
Contingent Allowance to Do. from Do. to Do.	6	15	0						
Saddlers working allowance to Do. from Do. to Do.	2	10	0						
	<hr/>			9	5	0			
Allowance for Stationery to the Acting Paymaster, Orderly room, and Schoolmaster Sergeant from 25th November to 24th December 1827	3	10	0						
Advance of Pay to Captain Aitchison of the Mounted Rifle Corps from 14th December 1827 to 24th February 1828	42	5	7						
Do. Do. to Ensign Boyd of Do. from 7th December 1827 to 24th February 1828	21	0	0						
	<hr/>			66	15	7			
				<hr/>			5959	3	4
Lodging Money to Officers of Do. from 25th November to 24th December 1827				10	5	7½			

Recruiting Service.

Paid for Recruiting Service from 25th September 1826 to 24th December 1827	8	8	6						
	<hr/>			18	14	1½			
Carried forward . . .				12,758	0	11			
				<hr/>			C 2		

	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward . . .							12,758	0	11
Passage Money and Rent for Officers' Quarters.									
Paid Passage Money of Officers and Men of the Cape Corps from 25th September 1826 to 24th December 1827	50	15	9						
Do. Rent for Officers Quarters from Do. to Do.	36	15	0						
				87	10	9			
Barrack, Quartermaster General's Stores and Clothing.									
Paid Ordnance Department for Bar- rack and Quartermaster General's Stores from 25th September 1826 to 24th December 1827	424	10	8½						
Paid for compensation in lieu of Clothing from Do. to Do.	163	19	0						
				588	9	8½			
							676	0	5¾
Incidental Expenses on account of the Cape Corps of Cavalry and Infantry.									
Disbursements on account of the Cape Corps of Cavalry and Infantry . .							142	7	3
Pay of Hottentot Captains for the purpose of encouraging them to pro- mote the enlistment of recruits from their respective Kraals.									
To Hottentot Captain Hans Klapmuts from 1st October 1826 to 31st December 1827	45	14	0						
„ C. Botha from 1st to 10th October 1826	1	0	0						
„ Leopold Koopman from 1st October 1826 to 31st December 1827	45	14	0						
„ Thomas Smith from Do. to Do. .	45	14	0						
„ Piet Arend from 25th June 1825 to 31st December 1827	91	18	0						
				230	0	0			
							230	0	0
Pensions to men of the Cape Corps of Cavalry and Infantry							527	19	¾
Carried forward							14,334	7	11

	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward . . .							14,334	7	11
Disbursements on Account of Staff Situations held by King's Officers and defrayed from the Colonial Treasury.									
Pay of the Commandant Cape Castle	184	0	0						
" " " " Frontier .	184	0	0						
" " " " Simon's Town	92	0	0						
" " " " Robben Island	92	0	0						
" " " " Fort Frederick	67	10	0						
							619	10	0
Total Military Expense . . .							£14,953	17	11

(Original.)

*Establishment of Cape Corps of Mounted Riflemen on
31st December 1827.*

	Rate of pay per diem.
s.	d.
Major W. Cox	16 0
Captain R. S. Aitchison	11 7
Do. Pierce Lowen	11 7
Do. A. B. Armstrong	11 7
Lieutenant T. S. Knight	7 6
Do. C. Ross	7 6
Do. H. D. Warden	6 6
Do. J. L. Lavoine	6 6
Ensign T. Boyd	5 3
" F. Donovan	5 3
" (Vacant)	5 3
Adjutant J. N. Rishton	8 6
Quartermaster	6 6
Surgeon W. Parrott	14 1
Paymaster T. S. Knight	4 0

Non-Commissioned Officers and Privates.

1 Regimental Sergeant Major	2 6
1 Paymaster Sergeant	1 4
2 Schoolmaster Sergeants	1 4 each
1 Armourer Sergeant	1 4
1 Saddler	1 4
9 Sergeants { 3 Colour	1 10 each
{ 6 Common	1 4 "

						Rate of pay per diem. s. d.	
12 Corporals	{ after 14 years service					1	0 each
	{ „ 7 „ „					11	„
	{ under 7 „ „					10	„
6 Buglers					7 $\frac{3}{4}$	„
222 Privates	{ after 14 years					8	„
	{ „ 7 „					7	„
	{ under 7 „					6	„
Boys					4	„
Horses					1	

CAPE OF GOOD HOPE.

Statement of the Particulars of British Pay and Allowances received by Officers of the Staff and Departments at the Cape of Good Hope, during the year 1827.

Names.	Rank and Employment.	Period for which Pay has been issued.		Rate of Pay per day.
		From.	To.	
		1827.		stg. s. d.
Lieut.-Col. S. Daniell .	Commandant of Cape Castle.	April 1-Dec. 24	1826. 1827.	7 2
Lieut.-Col. M. G. Blake	Commandant of Simon's Town.	Dec. 25-April 24	1827.	10 0
Lieut. G. M. Pedder .	Commandant of Robben Island.	April 25-Dec. 24	„ 1- „ „	7 2
Lieut.-Col. H. Somerset	Commandant of the Frontier	„ 25- „ „		20 0
Captain J. Hare . .	Aide de Camp to the Commander of the Forces	1826. 1827.	Dec. 25-Dec. 24	9 6
Major Ryan . . .	Military Secretary .	„ „ - „ „		19 0
Lieut.-Col. C. A. Fitz Roy	Deputy Adjutant General.	„ „ - „ „		19 0
Lieut.-Col. J. Bell .	Deputy Quartermaster General.	„ „ - „ „		19 0
Rev. B. C. Goodison .	Chaplain to the Forces	„ „ - „ „		16 0
Captain A. A. O'Reilly.	Brigade Major(Frontier)	„ „ - „ „		9 6
Major A. J. Cloete .	Brigade and Town Major.	„ „ - „ „		9 6
John Arthur, Esq. .	Principal Medical Officer.	„ „ - „ „		19 0
John Murray . . .	Surgeon to the Forces.	„ „ - Aug. „	1827.	14 3
„ „	„ „	Aug. „ - Dec.		18 10

British Pay and Allowances—continued.

Names.	Rank and Employment.	Period for which Pay has been issued.		Rate of Pay per day.	
		From.	To.	stg. s. d.	
James Barry . .	Assistant Surgeon to the Forces.	1826.	1827. Dec. 25-Dec. 24	7	6
Andrew Smith . .	" " .	" " - " "	" "	7	6
Nathaniel Morgan .	" " .	1825.	1827. Nov. 25-Dec. 24	7	6
John Myer . .	" " .	1826.	Dec. 25-Dec. 24	7	6
William Wallace .	Hospital Assistant .	Feb. 25-May 24	1826.	7	6
Edward Overton .	" " .	" " - " "	1827.	7	6
H. N. Holden . .	" " .	Oct. 25-Dec. 24	1827.	7	6
Thomas Fox . .	" " .	" " - " "	1827.	7	6
J. C. Gaublin . .	Hospital Assistant .	Oct. 25-Dec. 24	1826.	7	6
W. Thompson . .	Apothecary to the Forces.	Dec. 25-Dec. 24	1827.	9	6
W. Hewetson, Esq. .	Deputy Commissary General.	Dec. 25-Dec. 24	1826.	28	6
James Horrie . .	Deputy Assistant Commissary General.	" " - " "	" "	9	6
J. D. Wall . .	" " .	" " - " "	" "	9	6
J. C. Sandford . .	" " .	" " - " "	" "	9	6
Robert Johnstone .	" " .	" " - " "	" "	9	6
John Craig . .	" " .	" " - June 24	" "	9	6
C. B. Dawson . .	" " .	" " - Dec.	" "	9	6
W. Hayward . .	Assistant Commissary General of Accounts.	" " - " "	" "	14	3
Samuel Carr . .	Deputy Assistant General of Accounts.	" " - " "	" "	9	6
George Yeoland . .	" " .	" " - " "	" "	9	6

Statement of the Particulars of Colonial Pay and Allowances received by Officers of the Staff at the Cape of Good Hope during the year 1827.

Name and Rank.	Period.		Rate of pay per diem.	Amount of pay issued to each during the year.		
	From.	To.				
	1826.			£	s.	d.
Lieutenant Colonel S. Daniell, . . . Commandant of Cape Castle . . .	July 1-	Dec. 31	20s.	184	0	0
Lieutenant Colonel M. G. Blake, Commandant of Simon's Town . . .	" "	" "	10s.	92	0	0
Lieutenant Colonel H. Somerset, Commandant on the Frontier . . .	" "	" "	20s.	184	0	0
Captain F. Evatt, Commandant of Fort Frederick . . .	1826	1827	per ann. £90	67	10	0
Lieutenant J. Humphreys, Commandant of Robben Island . . .	" "	-Nov. 15	1826 per diem 10s.	69	0	0
Lieutenant G. M. Pedder, Do. Do. . .	Nov. 16-	Dec. 31	" 1827	23	0	0
Lieutenant Rundle, Aide de Camp . . .	July 1-June 30	1826. 1827.	10s.	182	10	0
Lieutenant Westmacott, Do. Do. . .	Dec. 25-	June 26	"	92	0	0

[Original.]

Establishment of the Cape of Good Hope for the year One thousand eight hundred and twenty seven, Shewing the Departments as they stood on 31st December of that year.

LIST OF OFFICERS.

Names of Officers.	Office.
Acker, H. O.	Resident at Mossel Bay.
Bourke, Major General . . .	Lieutenant Governor.
Bell, Lieutenant Colonel . . .	Acting Secretary to Government.
Bentinck, Walter . . .	Auditor General.
Blair, Charles . . .	Collector of Customs, Cape Town.
Bird, W. W. . . .	Comptroller Do.
Do. . . .	Do. Simon's Town.
Do. . . .	Assessor in Court of Appeals.
Borcherds, Reverend M. . .	Clergyman of Stellenbosch.
Blake, S. . . .	Resident at Saldanha Bay.
Blake, Lieutenant Colonel . .	Resident at Simon's Town.
Ballot, J. S. S. . . .	Clergyman at George.
Buyskes, E. A. . . .	Commissary of Vendues.
Bance, J. . . .	Port Captain.
Borcherds, P. B. . . .	Sitting Commissioner.
Crozier, Robert . . .	Postmaster General.
Cuyler, J. G. . . .	Landdrost of Uitenhage.
Denyssen, D. . . .	His Majesty's Fiscal.
Dashwood, F. . . .	Collector of Customs, Simon's Town.
Dundas, W. B. . . .	Landdrost of Albany.
Evatt, F. . . .	Resident at Port Elizabeth.
Fitz Roy, C. A. . . .	Commissary of Vendues.
Fraser, Reverend C. . . .	Clergyman at Beaufort.
Harker, R. C. . . .	Resident at Plettenberg's Bay.
Hough, Reverend G. . . .	Colonial Chaplain, Cape Town.
Herold, Reverend J. T. . .	Clergyman at the Paarl.
Horak, J. M. . . .	Receiver of Land Revenue.
Harding, W. W. . . .	Deputy Landdrost of Beaufort.
Hayward, W. . . .	Acting Auditor of Accounts.

LIST OF OFFICERS.—*continued.*

Names of Officers.	Office.
Johnson, J. . . .	Harbourmaster, Knysna.
Judge, Reverend E. . . .	Master of the Grammar School.
Kekewich, G. . . .	Assessor in the Court of Appeals.
Do. . . .	Judge and Commissary in Vice Admiralty Court.
Klerck, W. J. . . .	Collector of Tithes and Transfer Dues.
Knobel, J. . . .	Sworn Surveyor to Government.
Lorentz, C. de	Superintendent of Police.
Lys, W. H.	Senior Member Vaccine Institution.
Lowrie, A.	Superintendent of Government Gardens.
Morgan, George	Clergyman at Somerset.
MacCarthy, M. S. J. . . .	Colonial Paymaster.
McClelland, Rev. F. . . .	Clergyman at Port Elizabeth.
Marsh, George	Superintendent of Printing Department.
Marshall, J.	President of the Bank.
Manger, Reverend J. H. von . . .	Senior Clergyman, Cape Town.
Mol, Reverend C.	Clergyman at Swellendam.
Murray, Reverend A.	Do. „ Graaff Reinet.
Moodie, D.	Resident at Port Frances.
Mackay, W. M.	Landdrost of Somerset.
Murray, John	Physician to the Lieutenant Governor's Household.
Osmond, J.	Acting Collector of Customs, Simon's Town.
Plasket, Sir R.	Chief Secretary to Government.
Perceval, D. M.	Clerk of Council.
Reveley, H. W.	Civil Engineer.
Riet, R. S. van der	Political Commissioner for Church Affairs.
Rogers, G. J.	Registrar and Guardian of Slaves.
Ryneveld, D. J. van	Landdrost of Stellenbosch.
Ryneveld, J. van	Deputy Do. of Clan William.
Riet, J. W. van der	Landdrost of George.
Rivers, Harry	Do. of Swellendam.
Ryneveld, W. C. van	Private Secretary to Lieutenant Governor.
Somerset, Lord C. H.	Governor and Commander in Chief.
Somerset, Lieutenant Colonel . .	Commissioner of Stamps.
Stoll, J. W.	Receiver General.
Do.	Landdrost of the Cape District.

LIST OF OFFICERS.—*continued.*

Names of Officers.	Office.
Shaw, Reverend W. . . .	Clergyman in Albany.
Scholtz, Reverend J. . . .	Do. Zwartland.
Spyker, Reverend J. . . .	Do. Somerset, Hottentots Holland.
Smith, Reverend A. . . .	Do. Uitenhage.
Sturt, Reverend J. . . .	Chaplain, Simon's Town.
Schönnberg, V. A. . . .	Sequestrator.
Staveren, Reverend J. van . . .	Minister of Lutheran Church.
Stockenstrom, A. . . .	Landdrost of Graaff Reinet.
Serrurier, J. P. . . .	Secretary to Court of Appeals.
Truter, Sir J. A. . . .	Chief Justice.
Thom, Reverend G. . . .	Clergyman at Tulbagh.
Taylor, Reverend J. . . .	Do. Somerset.
Trappes, C. . . .	Landdrost of Worcester.
Thomson, W. R. . . .	Government Agent at Caffraria.
Townroe, R. . . .	Director of the Slave Lodge.
Wallace, E. . . .	Harbourmaster, Kowie.
Weatherley, Lieutenant R. . . .	Do. Simon's Town.
Wagener, J. . . .	Catholic Priest.
Wehr, Dr. . . .	Instructor of Midwifery.
Do. . . .	President of Supreme Medical Committee.

[Original.]

Civil Establishment of the Cape Colony in 1827.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
Lord Charles Henry Somerset	Governor and Commander in chief	2 Nov. 1813	By Commission from the King under His Majesty's Sign-manual.	£10,000 0 0	

THE LIEUTENANT GOVERNOR'S ESTABLISHMENT AND HOUSEHOLD.

Major General Richard Bourke (acting as Governor).	Lieutenant Governor	16 Aug. 1825	By Commission from the King under His Majesty's Sign-manual.	£3,500 0 0 While administering the Government of the Colony the Lieutenant Governor receives 5,000 0 0 500 0 0	
W. C. van Ryneveld.	Private Secretary	1 Sept. 1826	Major Bourke.	General Do.	
John Murray . . .	Physician to the Lieutenant Governor's household.	1 May 1826		45 0 0	

Allan Lowrie .	Superintendent of Government Gar- dens.	1 July 1825	Lord C. H. Somer- set.	72 0 0
W. Lyall .	Government Gar- dener.	1 Nov. 1827	Major General Bourke.	45 0 0
(Vacant) .	Messenger at Government House.	"	Do.	45 0 0
T. P. Courtenay .	Agent to the Colony resident in London	"	Do.	600 0 0

COLONIAL OFFICE.

*Sir Richard Plasket, Knt. Commander of the most distin- guished Order of St. Michael and St. George.	Chief Secretary to Government and Registrar.	3 Aug. 1824	His Majesty's Secre- tary of State.	£3,000 0 0 and £150 for house rent.	The general correspondence with all parts of the Colony is carried on here. All appli- cations to Government are made through this channel, and all replies are given from hence in conformity with the Governor's decision.
P. G. Brink .	Assistant Secretary to Government.	10 Sept. 1819	Lord C. H. Somer- set.	600 0 0	All deeds of mortgage are prepared here (excepting those to the Loan Bank and Orphan Chamber which are prepared in their own Offices) as are all Transfers of Landed Property, both
(vacant) .	Translator to Government.	—	Do.	105 0 0	
J. G. Brink .	Head Clerk .	1 Feb. 1813.	Sir J. F. Cradock .	225 0 0	
A. de Smidt .	2nd Clerk .	1 June 1815	Lord C. H. Somer- set.	75 0 0	

* Sir Richard Plasket having obtained leave of absence for 2 years from 20th December 1827, Lieutenant Colonel Bell has been appointed to act during his absence on a Salary of £2,000 per annum, Sir R. Plasket receiving in the meanwhile an allowance of £500 per annum which he draws in England.

COLONIAL OFFICE.—*continued.*

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
C. M. Zastron .	3rd Clerk .	23 Aug. 1820	Sir R. S. Donkin .	£180 0 0	of which are passed before Commissioners from the Court of Justice who hold a weekly Court at this Office, when these transactions are entered in Public Registers kept for that purpose. The Colonial Debt Registers are kept here from which the decisions with respect to preferents and concurrents are made. All grants of Land or Quit rent leases are prepared and issued from hence. The financial arrangements of the Government are conducted in this Department, and all Government Proclamations and Regulations are issued from hence. The details respecting the Colonial Currency are kept here and the paper money was formerly stamped in this Office. Various Registers are kept here of the arrival and departure of Vessels, and of Strangers, Aliens, &c., and all Statistical Returns are filed here.
J. A. le Sueur .	4th do. .	1 Aug. 1821	Do.	52 10 0	
P. Korsten .	5th do. .	14 Aug. 1823	Lord C. H. Somerset.	52 10 0	
F. J. Freislich .	6th do. .	1 Jan. 1824	Lord C. H. Somerset.	52 10 0	
J. Trueman .	7th do. .	"	Do.	52 10 0	
E. F. S. Gie .	8th do. .	"	Do.	37 10 0	
G. Russouw .	9th do. .	1 Dec. 1824	Do.	37 10 0	
J. F. Goodwin (vacant)	10th do. .	1 April 1824	Do.	37 10 0	
Do. .	11th do. .		—	37 10 0	
Do. .	12th do. .		—	37 10 0	
H. Tennant .	Accountant	1 Feb. 1825	Do.	90 0 0	
J. Tier .	1st Messenger	30 Jan. 1807	Lieutenant General Grey.	37 10 0	
T. Allen .	2nd do. .	28 Feb. 1821	Sir R. S. Donkin .	37 10 0	
T. Godfrey .	3rd do. .	1 July 1825	Lord C. H. Somerset.	36 0 0	
B. de Roos .	Bookbinder to Government.	1 Oct. 1810	Earl of Caledon .	45 0 0	
J. Tier .	Overseer of the Public Offices.	1 Jan. 1816	Lord C. H. Somerset.	22 10 0	

GOVERNMENT ESTABLISHMENT.

G. Kekewich	Judge of the Vice Admiralty Court.	10 June 1811	By Patent .	£600 0 0	The Political Commissioner for Church Affairs assists in the economy and management of the Property of the Dutch Church, and presides on the part of the State at all Meetings of the Consistory in order to confine the discussion of the Clergy to the objects of their peculiar duties.
G. Hough	Chaplain, Cape Town.	21 Feb. 1817	Lord C. H. Somerset.	700 0 0	
R. Norman	Clerk	1 Jan. 1822	Do.	22 10 0	
P. J. Keeve	Sexton	1 Jan. 1814	Sir J. F. Cradock.	26 5 0	
J. Gregory	Organist	13 June 1823	Lord C. H. Somerset.	30 0 0	
J. C. Eerlich	Bellringer	1 Jan. 1824	Do.	3 15 0	
R. J. van der Riet	Political Commissioner for Church Affairs of the Dutch Reformed Church.	27 Jan. 1825	Do.	112 10 0	
J. H. von Manger	1st Clergyman	1 Feb. 1802	Sir Francis Dundas	273 15 0	
A. Faure	2nd do.	5 July 1822	Lord C. H. Somerset.	258 15 0	
(vacant)	3rd do.	—	—	187 10 0	
J. Deeters	1st Church Clerk	4 June 1821	Sir R. S. Donkin .	46 4 9	
C. B. Schuitemaker	2nd do.	"	Do.	21 9 9	
F. C. Grondeler	Organist	6 April 1818	Lord C. H. Somerset.	22 10 0	
P. J. Keeve	Sexton	23 June 1789	Dutch Governor in Council.	17 11 0	
J. H. van Staveren	Clergyman of the Lutheran Church.	1 May 1827	Consistory of Hanover.	13 14 6	
E. Judge	Master of the Grammar School.	2 May 1825	Lord C. H. Somerset.	600 0 0	
J. Deeters	Schoolmaster for instructing Slaves	1 July 1816	Lord C. H. Somerset.	18 0 0	

GOVERNMENT ESTABLISHMENT—continued.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
J. A. Brandt .	Schoolmaster for instructing Slaves	26 Mar. 1827	General Bourke .	£18 0 0	The Director has the charge of the Government Slaves.
R. Tounoe .	Director of the Slave Lodge.	1 May 1827	Do.	135 0 0	
J. A. Neederland .	Overseer .	1 Sept. 1786	Dutch Governor van de Graaff.	14 8 0	
J. M. Berthoet .	Do.	4 Oct. 1795	General Craig .	14 8 0	
G. Weigh .	Do.	15 Dec. 1818	Lord C. H. Somerset.	14 8 0	
W. H. Lys .	Surgeon .	1 July 1818	Do.	112 10 0	
H. Vawser .	Schoolmistress .	1 Jan. 1822	Do.	15 0 0	
W. R. Thomson .	Government Agent, Cafraria.	1 Mar. 1821	Sir R. S. Donkin .	150 0 0	
(vacant)	Do. Griqua Town	—	—	75 0 0	
J. Knobel .	Sworn Surveyor to Government.	22 Mar. 1822	Lord C. H. Somerset.	187 10 0	The Sworn Surveyor to Government is employed in the measurement of Lands, and in the execution of Charts for the Service of Government. He examines into the qualifications of all Candidates, and reports upon the same previously to their being admitted to act as Surveyors.
J. Wagener .	Catholic Priest .	30 Mar. 1826	Earl Bathurst .	100 0 0	
A. J. Truter .	Secretary and Treasurer Bible and School Commission.	Oct. 1822	Lord C. H. Somerset.	90 0 0	
J. Rykheer .	Dutch Teacher .	"	Do.	7 10 0	
C. de Kock .	Do.	"	Do.	7 10 0	
J. Frylinck .	Do.	"	Do.	7 10 0	
J. A. Brandt .	Do.	"	Do.	7 10 0	
J. Deeters .	Do.	"	Do.	33 15 0	
C. B. Schuitemaker .	Do.	"	Do.	33 15 0	
P. C. Schneegrel .	Do. in Arithmetic	"	Do.	27 0 0	

COURT OF APPEALS OFFICE.

J. M. Bendall .	English Teacher .	"	Do.	27	0	0
A. Byrne .	Do.	"	Do.	60	0	0
M. S. de Kock .	Dutch do.	"	Do.	60	0	0
W. Vawser .	English do.	"	Do.	60	0	0
F. P. Smit .	Dutch do.	"	Do.	45	0	0
A. Bacon .	Sewing Mistress .	"	Do.	36	0	0
P. J. Keeve .	Messenger .	"	Do.	15	0	0

G. Kekewich .	Assessor in Criminal and Civil Cases	7 June 1810	Earl of Caledon .	£500	0	0	To examine and report their opinion upon all Appeals from Sentences of the Court of Justice, referring to and stating the Law which bears upon the respective points to the Governor as Judge.
W. W. Bird .	Assessor in Criminal Cases.	29 Nov. 1822	Lord C. H. Somerset.	300	0	0	The duties of the Secretary to the Court are to attend to its practice, to draw out the orders and Decrees, and transmit all processes in Cases of Appeal to the King in Council.
J. P. Serrurier .	Secretary .	16 Feb. 1826	Do.	280	0	0	
A. J. van Breda .	Head Clerk .	1 May 1815	Do.	90	0	0	
W. Long .	2nd do. .	1825	Do.	52	10	0	
J. C. Schikkerling .	3rd do. .	1 Mar. 1824	Do.	30	0	0	
D. G. de Jongh .	4th do. .	3 Oct. 1825	Do.	18	0	0	
R. Row .	Messenger .	18 May 1826	Do.	15	15	0	

COURT OF JUSTICE OFFICE.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
Sir J. Truter, Knt., LL.D.	Chief Justice	26 Aug. 1812	Sir J. F. Cradock.	£675 0 0	The Court has Criminal and Civil Jurisdiction over the whole Colony and the Chief Justice superintends the administration of Justice in all matters Civil and Criminal. All Crimes committed in the Colony are reported to him as well as to the Governor.
W. Hiddingh	1st Member	3 Apr. 1806	Batavian Government.	318 15 0	
W. Bentinck	2nd do.	6 Aug. 1814	Lord C. H. Somerset.	318 15 0	
J. H. Neethling	3rd do.	24 Feb. 1815	Do.	318 15 0	
J. C. Fleck	4th do.	25 Aug. 1817	Do.	318 15 0	
P. J. Truter	5th do.	10 Apr. 1819	Do.	318 15 0	
P. B. Borchards	6th do.	21 Feb. 1823	Do.	—	
R. Rogerson	7th do.	21 Oct. 1823	Do.	318 15 0	It is the duty of the Members of the Court of Justice to decide upon all matters Criminal and Civil brought before them. They also do the duties of Coroners in holding inquests on all dead bodies, and attend the registry of all Transfers, Mortgages and other Deeds of Security in the Colonial Office.
D. F. Berrangé	8th do.	1 Apr. 1825	Do.	318 15 0	
H. Murphy	Secretary . English Assistant to do.	19 Feb. 1819 13 Sept. 1814	Do.	450 0 0	
A. G. Muller	Deputy to do.	2 Feb. 1819	Do.	225 0 0	
J. T. Jurgens	1st Head Clerk	28 June 1821	Sir R. S. Donkin .	22 10 0	
R. J. van der Riet	2nd do.	"	Do.	150 0 0	
C. C. Bresler	3rd do.	11 Aug. 1825	Lord C. H. Somerset.	82 10 0	
A. G. Muller	1st Ordinary do.	9 Apr. 1813	Sir J. F. Cradock .	67 10 0	
F. W. Alleman	2nd do.	28 June 1821	Sir R. S. Donkin .	52 10 0	
A. J. L. Plouvier	3rd do.	"	Do.	52 10 0	
P. Roux	4th do.	10 Oct. 1823	Lord C. H. Somerset.	41 5 0	
J. F. Wrensch	1st Supernumerary do.	1 Oct. 1824	Do.	41 5 0	Two Members in rotation go the annual Circuit of the Colony for the purpose of holding Courts for the trial of Civil and Criminal Cases.
				37 10 0	

M. S. de Oliveira	2nd do.	11 Aug. 1825	Do.	18 15 0	The duties of the Secretary of the Court of Justice consist in the Superintendence and direction of the Secretary's Office.
J. H. Wagner	3rd do.	"	Do.	15 0 0	
C. Ziervogel	1st Messenger	In 1795	Dutch Govern-ment.	56 5 0 fees 48 5 3	
J. A. Soestman	2nd do.	8 Oct. 1821	Sir R. S. Donkin	56 5 0 fees 48 5 3	The Physician attends all In-quests, visits the Prisoners, and prescribes Medicines to such as need them gratis.
A. Beck	3rd do.	22 Apr. 1826	General Bourke	56 5 0 fees 48 5 3	
C. N. Geyer	4th do.	13 May 1826	Do.	56 5 0 fees 48 5 3	
C. Beck	Deputy do.	10 June 1826	Do.	18 15 0	
L. Liesching	Physician	1 Jan. 1818	Lord C. H. Somerset.	75 0 0	
P. B. Borchards	Permanent Sitting Commissioner.	12 June 1826	General Bourke	500 0 0	
A. Berrangé	Secretary to do.	1 July 1826	Do.	100 0 0	

AUDIT OFFICE.

Walter Bentinck	Auditor General	23 Apr. 1808	His Majesty's Secretary of State.	£1,050 0 0	It is the duty of this Officer to control the Colonial Accounts under the Regulations established by Government.
A. Lehman	1st Clerk	16 May 1811	Lieutenant General Grey.	90 0 0	
H. F. Höhne	2nd do.	23 Mar. 1819	Lord C. H. Somerset.	52 10 0	
J. T. Eckard	3rd do.	1 July 1825	Do.	45 0 0	
P. Kelly	Messenger	8 Dec. 1825	Do.	13 10 0	

FISCAL'S OFFICE.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
D. Denyssen	His Majesty's Fiscal	28 Aug. 1812	Sir J. F. Cradock.	£862 10 0	The Fiscal guards against all encroachments on the Rights, Jurisdiction, Power and authority of Government. He acts as His Majesty's Advocate and Attorney General, and as such is referred to as the Law Officer of the Crown for his legal opinion. He conducts all Civil Law Suits in which Government is either Claimant or Defendant and formerly had the entire superintendence of the Police Department, but by a late regulation these duties have been transferred to the Superintendent of Police.
J. J. Lind	Deputy do.	15 Aug. 1817	Lord C. H. Somerset.	225 0 0	
M. J. Borchers	1st Clerk	1 Sept. 1817	Do.	48 15 0	
J. J. Itzen	2nd do.	1 Aug. 1821	Sir R. S. Donkin.	48 15 0	

POLICE OFFICE.

Charles de Lorentz .	Superintendent of Police.	15 Dec. 1825	His Majesty's Secretary of State.	£700 0 0	The Office of His Majesty's Fiscal having been separated from the administration of the Police, this duty has devolved upon an Officer expressly nominated for that purpose, who is invested with the authority hitherto granted to His Majesty's Fiscal in Police Matters, and is charged with the prosecution of Police cases arising within the Jurisdiction of Cape Town.
P. Auret .	Deputy do.	20 Oct. 1825	Lord C. H. Somerset.	82 10 0	
F. W. de Wet .	Head Clerk .	1 Feb. 1815	Do.	52 10 0	
William Mills .	Gaoler .	"	Do.	45 0 0	
Do. .	1st Under Sheriff	1 Aug. 1825	Lord C. H. Somerset.	63 0 0	
W. O. Read .	2nd do.	Do.	Do.	55 10 0	
F. McCarthy .	3rd do.	Do.	Do.	52 10 0	
J. Kay .	4th do.	1 Apr. 1827	General Bourke .	49 10 0	
J. Kennedy .	Bookkeeper of Town Prison .	21 Jan. 1825	Lord C. H. Somerset.	45 0 0	
F. Faustman .	Instructor of the Prisoners in Town Gaol.	Do.	Do.	31 10 0	
J. da Costa .	Overseer at Robben Island.	4 June 1826	General Bourke .	45 0 0	
Jan Casper .	Chief Executioner	26 Apr. 1820	Sir R. S. Donkin .	90 0 0	
Twenty Policemen .	Engaged by contract with the Superintendent.	Do.	—	45 each	
	Assistant Executioner.	—	Do.	5 8 0	

NIGHT WATCH.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
	First Commandant	—	Superintendent .	£67 10 0	
	Second do. .	—	Do.	58 10 0	
	4 Watchmen .	—	Do.	35 11 each	
	36 do. .	—	Do.	28 16 Do.	
	2 do. .	—	Do.	13 10 Do.	
	One Drummer .	—	Do.	7 10 0	

RECEIVER GENERAL'S OFFICE.

J. W. Stoll .	Receiver General.	9 Apr. 1819	Lord C. H. Somerset.	300 0 0	The Colonial Revenues are paid into the hands of the Receiver General by the Collectors monthly or quarterly. The Accounts are previously audited, and when certified to be correct by the Auditor of Accounts the Receiver General carries the amount to the public account. The Receiver General furnishes the Colonial Paymaster with means to meet the expenditure of the Government.
H. Cloete P. son .	Chief Clerk .	Do.	Do.	90 0 0	
J. Azerond .	Clerk .	8 July 1823	Do.	45 0 0	

COLONIAL PAYMASTER'S OFFICE.

M. S. J. MacCarthy .	Colonial Paymaster	5 May 1818	His Majesty's Secretary of State.	£1,000 0 0	The expenditure of the Government passes through the Paymaster, who is furnished with funds for that purpose by the Receiver General.
C. Blanckenberg .	Chief Clerk .	1 Aug. 1825	Lord C. H. Somerset.	90 0 0	
W. S. Heath .	Clerk .	Do.	Do.	67 10 0	
P. Kelly .	Messenger .	8 Dec. 1825	Do.	13 10 0	

STAMP OFFICE.

Lieutenant Colonel H. Somerset.	Commissioner .	13 Dec. 1822	Lord C. H. Somerset.	(Fees) 931 15 14 75 0 0 (paid by the Commissioner from his fees.)	The Commissioner is paid by certain fees on the sale of Stamps, levied according to a Tariff framed under the Dutch East India Company.
J. D. Overbeek .	Collector .	7 July 1825	Do.	(Fees) 28 9 9	In the Office of the Collector all orders to the Ordnance Department for the issue of powder to individuals are prepared, and the amount of the powder which is sold is monthly paid over by him to the Ordnance Department.

LOMBARD AND DISCOUNT BANK.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
John Marshall .	President .	7 Dec. 1816	His Majesty's Secretary of State.	£600 0 0	This Establishment is divided into three Branches viz.:
G. H. Maasdorp .	1st Director .	10 Mar. 1815	Lord C. H. Somerset.	157 10 0	1st. Mortgage Bank from which nothing is lent but upon the Security of Landed property or Houses, with collateral personal Security. Its object is to encourage improvement in Agricultural pursuits. Repayment by Instalments of 10 per cent commences at the expiration of two years.
W. Hewetson .	2nd do. .	15 Nov. 1825	Do.	157 10 0	2nd. A temporary Loan Bank where money is advanced upon the mortgage of Slaves, Capital or other movable property for six months provided unexceptionable collateral personal Security be given.
J. C. Gie Mson .	Bookkeeper in the Lombard Bank.	2 July 1819	Do.	157 10 0	3rd. A Discount Bank where Bills, Notes, &c. payable within three months are discountable.
J. H. Frouenfelder (vacant) .	Cashier in do. .	17 April 1818	Do.	150 0 0	
R. Crozier .	Clerk in do. .	—	Do.	45 0 0	
A. G. de Smidt .	Cashier in the Discount Bank.	1 Sept. 1808	Earl of Caledon .	225 0 0	
R. J. Loedolff .	Accountant do. .	6 Jan. 1820	Lord C. H. Somerset.	67 10 0	
J. C. Overbeek .	Assistant Cashier.	1 July 1825	Do.	60 0 0	
H. J. P. le Sueur .	Do. Accountant .	19 Aug. 1826	Do.	45 0 0	
G. Murray .	Teller .	Do.	Do.	45 0 0	
	Messenger .	22 June 1827	General Bourke .	36 0 0	

Charles Blair	Collector	6 Sept. 1808	By the Lords of the Treasury.	£1,000	0	0	<p>It is the duty of the Collector's Department to investigate the Registers, Manifests, and other Ship's papers, to grant permits for the landing and shipping of goods after the Custom duties have been properly collected, and generally to superintend all transactions of the Customs Department. The Comptroller is a checking party in everything that occurs in the Custom House, all transactions here being entered by him into distinct and separate books to be produced monthly to the Auditor General of Accounts, in order that they may be compared by him with the Collector's payments to Government. A wharfage is collected here to defray the repairs of the Quay, the same being levied on all live stock and packages shipped or landed and the amount thereof is paid weekly to the Collector of Customs, by whom it is accounted for to the Colonial Treasury.</p>
W. W. Bird	Comptroller	Jan. 1810	Do.	1,000	0	0	
E. Maude	Searcher	25 May 1812	His Majesty's Secretary of State.	700	0	0	
Jos. Hare	Warehousekeeper	1 Feb. 1820	Sir R. S. Donkin.	135	0	0	
M. de Kock	Chief Clerk to Collector.	20 Nov. 1819	Lord C. H. Somerset.	90	0	0	
G. Brunett	2nd Clerk to do.	1 Oct. 1824	Do.	67	10	0	
J. Schultz	Chief Clerk to Comptroller.	16 Feb. 1822	Do.	90	0	0	
H. Horne	2nd to do.	Do.	Do.	67	10	0	
H. A. Truter (vacant)	Clerk to Searcher.	15 Sept. 1812	Sir J. F. Cradock.	90	0	0	
P. F. Petrie	Tide Surveyor	March, 1812	Do.	18	0	0	
E. Miller	Tide Waiter	1 Apr. 1813	Do.	54	0	0	
J. Taylassoc	Do.	27 Apr. 1815	Do.	54	0	0	
E. Dodd	Tide Waiter	1 July 1819	Lord C. H. Somerset.	54	0	0	
A. A. Walter	Do.	1 Nov. 1820	Do.	54	0	0	
M. van den Berg	Messenger	1 Feb. 1814	Sir R. S. Donkin.	27	0	0	
M. Henderson	Clerk at the Wharf	29 Jan. 1822	Sir J. F. Cradock.	100	0	0	
W. Hart	Do.	14 Jan. 1824	Lord C. H. Somerset.	100	0	0	

VENDUE DEPARTMENT.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
C. A. Fitz-Roy E. A. Buyskes .	Joint Commis- saries of Vendues.	16 Apr. 1824 } Do.	Lord C. H. Somers- set.	£375 0 0 375 0 0	This Department superin- tends and regulates all public sales of movable and immovable property within Cape Town and its jurisdic- tion and in Simon's Town, collecting at the same time the duties therein which are reserved to Government, being 5 per cent on mov- ables and $2\frac{1}{2}$ per cent on im- movables. The Sworn Auc- tioneers are responsible to the Commissaries for the Credit given to Individuals. They have no fixed salary, but divide a share of the percentage of the amount of sales, being one ninth part among themselves, having thereby an interest to pro- mote the sales and raise the price of goods. In the Country Districts with the exception of Stellen- bosch and Albany, where there are separate Vendue Masters (the Secretaries or Deputy Landdrosts act as Vendue Masters), they are allowed 2 per cent on mov-
Z. F. Lehman Junr. .	Assistant Commis- sary of Vendues.	Do.	Do.	67 10 0	
A. H. Hofmeyr .	Bookkeeper .	11 Sept. 1824	Do.	52 10 0	
N. J. Ley .	1st Sworn Vendue Clerk.	Do.	Do.	67 10 0	
D. Nesor .	2nd do. .	Do.	Do.	52 10 0	
P. H. Ley .	3rd do. .	Do.	Do.	37 10 0	
M. Maasdorp .	4th do. .	25 Jan. 1826	Do.	37 10 0	
J. J. Scholtz .	5th do. .	Aug. 1826	General Bourke .	36 0 0	
G. H. Leyman .	1st Ordinary Clerk	Do.	Do.	36 0 0	
D. Russouw .	2nd do.	1 Sept. 1827	Do.	36 0 0	
J. Carter .	Messenger .	1 Sept. 1826	Do.	11 5 0	
N. Tyrholm .	1st Sworn Auc- tioneer.	6 Dec. 1816	Lord C. H. Somers- set.	— —	
J. Blore .	2nd do. .	16 July 1819	Do.	— —	

ables and $\frac{1}{2}$ per cent on immovables, the remainder of the percentage being paid to Government. In consideration of this allowance they are likewise personally responsible for the Vendue Credit they grant, and have to pay the functionaries who assist them.

OFFICE OF COLLECTOR OF TITHES AND TRANSFER DUES.

W. J. Klerck . . .	Collector . . .	6 Feb. 1815	Lord C. H. Somerset.	£225 0 0	The duties of this Office consist in the collection of the Transfer duty on the purchase money of all Houses and Landed property throughout the Colony at 4 per cent, excepting Loan places which pay $2\frac{1}{2}$ per cent upon the Value of the Buildings erected thereon, and of the tithes which are an inland duty payable upon the introduction of Landed produce, grain or wine into Cape Town. They were formerly, as the name imports, a tithe, but are now a small commutation in lieu thereof. From this Office Licences are issued for the Retail of Cape Wines and Brandies, the amount of which is payable here.
T. F. Dreyer . . .	Bookkeeper . . .	10 Oct. 1824	Do.	45 0 0	
J. R. G. Klerck . . .	Clerk . . .	14 Dec. 1824	Do.	37 10 0	
H. Brest . . .	Collecting Clerk at the Town Market . . .	1 Apr. 1823	Do.	45 0 0	
J. A. Kuuhl . . .	Assistant do. . .	1 Aug. 1824	Do.	22 10 0	
A. Hutchison . . .	Do. . .	1 July 1817	Do.	22 10 0	
A. F. Walborg . . .	Do. . .	1 Dec. 1820	Do.	22 10 0	
P. J. Arendse Raven . . .	Collecting Clerk at Simon's Town. . .	1 Apr. 1817	Do.	22 10 0	

GAUGING OFFICE.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
W. J. Klerck .	Collector of duties on Gauging.	—	Lord C. H. Somerset.	—	
C. M. Lutterman .	Gauger .	28 Aug. 1821	Do.	£75 0 0	
J. B. Willenburg .	Clerk .	Sept. 1826	General Bourke .	45 0 0	
P. J. Arendse Raven.	Do. at Simon's Town.	—	Lord C. H. Somerset.	—	
H. Ross .	Messenger .	24 June 1818	Do.	30 0 0	

LAND REVENUE OFFICE.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
J. M. Horak .	Receiver .	1 Apr. 1825	Lord C. H. Somerset.	277 10 0	The duties of this Office are self-evident and require no elucidation.
Ands. de Smidt .	Assistant to do.	20 June 1823	Do.	75 0 0	
H. H. Loedolff .	Clerk .	Do.	Do.	45 0 0	
J. A. de Wet .	Do.	1 July 1825	Do.	45 0 0	
D. Davidsen .	Messenger .	1 Apr. 1824	Do.	18 0 0	

POST OFFICE, CAPE TOWN.

	Postmaster General	21 Nov. 1815	Lord C. H. Somerset.	£375	0	0	Do.	Do.	Do.
Robert Crozier	Assistant to do.	1 Dec. 1824	Do.	90	0	0	Do.	Do.	Do.
G. D. Baumgardt	Clerk	1 Oct. 1824	Do.	90	0	0	Do.	Do.	Do.
H. Hanson	1st Letter Carrier	1 Oct. 1823	Do.	45	0	0	Do.	Do.	Do.
J. Walker	2nd do.	Do.	Do.	42	15	0	Do.	Do.	Do.
M. Morris	3rd do.	Do.	Do.	40	10	0	Do.	Do.	Do.
William Groves									

SEQUESTERATOR'S OFFICE.

	Sequestrator	21 Jan. 1825	Lord C. H. Somerset.	337	10	0	Do.	Do.	Do.
V. A. Schönberg	Assistant do.	4 Dec. 1818	Do.	90	0	0	Do.	Do.	Do.
D. F. Lehman	Head Clerk	25 Mar. 1825	Do.	82	10	0	Do.	Do.	Do.
W. F. Bergh	2nd do.	Do.	Do.	67	10	0	Do.	Do.	Do.
J. E. Mestaer	Bookkeeper	17 Nov. 1825	Do.	112	10	0	Do.	Do.	Do.
D. E. Wentzel	Vendue Clerk	25 March 1825	Do.	56	5	0	Do.	Do.	Do.
Anrls. Lind	Clerk	6 May 1824	Do.	56	5	0	Do.	Do.	Do.
J. C. Lehman	Auctioneer and Messenger.	1 July 1819	Do.	112	10	0	Do.	Do.	Do.
H. A. Smit	Deputy do.	10 Dec. 1823	Do.	45	15	0	Do.	Do.	Do.
C. A. Heyn	3rd Messenger	23 June 1825	Do.	27	0	0	Do.	Do.	Do.
J. Zeeman									

It is the province of this Department to execute all Civil Sentences lodged for execution, and to liquidate insolvent Estates.

PRINTING DEPARTMENT.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
G. Marsh . . .	Superintendent .	1 Aug. 1825	Lord C. H. Somerset.	£200 0 0	
M. P. Harmsen . . .	Translator .	1 July 1826	General Bourke .	52 0 0	
P. J. Truter . . .	Bookkeeper .	1 Aug. 1825	Lord C. H. Somerset.	60 0 0	
J. Richert . . .	Printer Dutch Department .	1 Aug. 1821	Sir R. S. Donkin .	100 0 0	
B. J. van de Sandt . . .	Compositor .	1 Aug. 1821	Sir R. S. Donkin .	90 0 0	
A. Richert . . .	Compositor Dutch Department.	1 Aug. 1824	Lord C. H. Somerset.	75 0 0	
P. McDougal . . .	Printer English do.	1 Sept. 1827	General Bourke .	100 0 0	
R. Johnstone . . .	Compositor do. .	1 Apr. 1826	Do.	100 0 0	
W. Turner . . .	Pressman . .	1 Sept. 1827	Do.	90 0 0	
P. J. C. Schonegével . . .	Apprentice .	24 March 1824	Lord C. H. Somerset.	15 0 0	
W. Lotter . . .	Do.	Do.	Do.	15 0 0	
P. Hendriks . . .	Messenger . .	12 Apr. 1827	General Bourke .	22 10 0	
Middlekop and Tourien	Apprentices for 7 years.	30 June 1826	Do.	18 0 each	
Capora . . .	Prize do. . .	Do.	Do.	36 0 0	
Esma . . .	Do., do. . .	25 July 1827	Do.	22 10 0	

PORT OFFICE.

J. Bance	.	Port Captain	.	28 May 1826	Earl Bathurst	.	£300	0	0	The Port Captain or Harbour master boards all vessels that arrive, delivers the Port Instructions to the Captains, sees them executed, secures the Mails if any and delivers them to the Post Office. He reports to the Government and Heads of Departments the several arrivals, and the occurrences relating to them and the departures of Vessels. He puts all Mails on board of vessels, collects the Port Dues and pays the same monthly into the Office of the Receiver General. It is the duty of the Officer of Health to board every vessel immediately on her coming to anchor, and carefully to examine the state of health of the Passengers and Crew before anyone is permitted to quit the Vessel.
Charles Blair	.	Retired do.	.	Do.	Do.	.	200	0	0	
W. H. Lys	.	Officer of Health.	.	18 Sept. 1818	Lord C. H. Somerset.	.	90	0	0	
P. Hellet	.	Cockswain	.	Do.	Do.	.	54	0	0	
	.	Six Sailors	.	Do.	Do.	.	45	0	each	
	.	One do.	.	Do.	Do.	.	31	10	0	

COUNCIL OFFICE.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
D. M. Perceval .	Clerk of the Council	7 Nov. 1825	His Majesty's Secretary of State.	£800 0 0	Records the proceedings of Council.
R. Nicholls .	Assistant to do. .	1 Dec. 1825	Lord C. H. Somerset.	150 0 0	
Robert Row .	Messenger .	18 May 1826	General Bourke .	15 15 0	

SUPREME MEDICAL COMMITTEE.

J. H. F. C. L. Wehr .	President .	1 Nov. 1825	Lord C. H. Somerset.	45 0 0	The situation of Colonial Medical Inspector having been done away with, the Supreme Medical Committee has been re-established in its room. The duties of the Committee consist in the examination of the qualifications of all parties previously to their being permitted to practise; the visiting at uncertain periods the Shops and Stores of the several apothecaries; and in the taxation of bills for medical attendance and the regular inspection of all the Medicines and Drugs imported into the Colony.
L. Liesching .	Member .	Do.	Do.	45 0 0	
W. H. Lys .	Do.	Do.	Do.	45 0 0	
J. Murray .	Do.	Do.	Do.	37 10 0	
T. K. Deane .	Do.	Do.	Do.		

VACCINE INSTITUTION.

W. H. Lys (vacant)	Senior Member	23 Apr. 1811	Earl of Caledon	£90	0	0	The duties of the Vaccine Institution consist in keeping up a regular supply of vaccine virus for the use of the Colony. Instructing midwives, and regulating the number of individuals practising as such.
T. K. Deane	Second do.	—	Do.	90	0	0	
J. H. F. C. L. Wehr.	Secretary	23 Apr. 1811	Do.	37	10	0	
	Instructor of Midwifery.	1 Nov. 1810	Do.	37	10	0	

OFFICE OF THE REGISTRAR AND GUARDIAN OF SLAVES.

G. J. Rogers	Registrar and Guardian of Slaves.	26 Apr. 1816	Lord C. H. Somerset.	£500	0	0	The object of this office is the prevention of the possibility of successfully including any person entitled to freedom in the class of Slaves. A general enquiry is kept in Cape Town of the whole of the Slave population in the Country Districts, who make reports of all alterations from this Office of all alterations upon slave property are entered, and certificates granted, all marriages of slaves, births of slave children, and their baptism are registered according to proclamation of 18th March 1823, certificates of manumissions issued and the reports of deaths received and entered. Finally all transfers of slaves either by public or private sale, by gift or inheritance, are here registered and certificates granted thereof.
W. Smith	1st Clerk	20 Feb. 1824	Do.	150	0	0	
J. Gunn	2nd do.	2 May 1823	Do.	100	0	0	
G. M. Paine	3rd do.	Do.	Do.	80	0	0	
W. Brown	Messenger	1 Apr. 1824	Do.	27	0	0	

the Colony. This Office is in constant correspondence with 11 Sub-Offices in the Country Districts, who make reports of all transactions relating to Slaves within their respective Districts and also receive information from this Office of all alterations effected in Cape Town which relate to their Districts. In this Office all Mortgages upon slave property are entered, and certificates thereof granted. All births of slaves are enregistered, and certificates granted, all marriages of slaves, births of slave children, and their baptism are registered according to proclamation of 18th March 1823, certificates of manumissions issued and the reports of deaths received and entered.

Finally all transfers of slaves either by public or private sale, by gift or inheritance, are here registered and certificates granted thereof.

OFFICE OF THE INSPECTOR OF LANDS AND WOODS.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
(vacant)	Inspector	—	—	£375 0 0	The duties of this Office have for their object the giving effect to the principles laid down in 1813 for the future distribution of the Crown Lands, and the conversion of the old Tenure (annual and other resumable Leases) into Grants of perpetuity.
W. A. J. de Smidt	Clerk	18 Oct. 1820	Sir R. S. Donkin.	45 0 0	

distribution of the Crown Lands, and the conversion of the old Tenure (annual and other resumable Leases) into Grants of perpetuity.

This Office is a check upon the local Magistracy in all matters relating to the distribution of the soil ; it is an equal check upon the illegal occupancy of the Crown Lands.

OFFICE OF CIVIL ENGINEER AND SUPERINTENDENT OF WORKS AND BUILDINGS.

H. W. Reveley	Civil Engineer and Superintendent of Works and Buildings.	19 Nov. 1826	Earl Bathurst	£500 0 0	The duties of the Civil Engineer and Superintendent consist in examining all Government Buildings and reporting the state thereof to Government from time to time as the case may require. In submitting Estimates of all public works and ascertaining that the work has been executed properly, and in such case certifying the same previous to an audit.
W. L. Atkinson	Assistant to do.	Do.	Do.	100 0 0	
John Barry	Clerk	Do.	Do.	80 0 0	
Patrick Kelly	Messenger	1 June 1827	General Bourke	9 0 0	

works and ascertaining that the work has been executed properly, and in such case certifying the same previous to an audit.

RETIRED SERVANTS DRAWING PENSION IN CAPE TOWN.

Lieut.-Colonel Bird . C. Matthiessen .	Colonial Secretary Member of the Court of Justice.	4 June 1824 21 Feb. 1823	Earl Bathurst . Lord C. H. Somerset. Do. Do. Do. Sir R. S. Donkin .	£600 0 0 150 0 0 150 0 0 150 0 0 150 0 0 90 0 0
A. G. van Kervel . J. H. Fischer . R. J. van der Riet . A. M. Bergh .	Landdrost of George Do. Tulbagh . Sequestrator . Deputy Landdrost of Clanwilliam.	1 Oct. 1819 4 Jan. 1822 22 Jan. 1825 30 Nov. 1821	Lord C. H. Somerset. Governor G. J. van de Graaff.	84 7 6 12 13 6
J. F. Serrurier . Mrs. G. Kuys . " M. Kuys . " Berrangé . " Ballot . " Duckitt . " von Butler .	Member of the late Insolvent Estab- lishment Chamber Widow of a late Minister of Stel- lenbosch. Do., Cape Town . Do., do. . Do. Tulbagh . Widow of an Agri- culturist. Do. of an Ensign of the late Cape Corps.	1 Jan. 1819 29 Jan. 1785 25 July 1804 12 Mar. 1827 1 July 1814 13 Apr. 1825 26 Jan. 1807	Earl Bathurst . Lieutenant General H. Grey.	150 0 0 26 0 0

PENSIONERS IN ENGLAND.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
Mrs. Alexander	Widow of the late Colonial Secretary	---	Prince Regent	£300 0 0	
Sheridan	Do. Colonial Paymaster.	---	Do.	300 0 0	

CAPE DISTRICT.

J. W. Stoll	Landdrost	7 Aug. 1814	Lord C. H. Somerset.	£337 10 0 (Fees) 22 10 0	The Landdrost as Chief Magistrate is at the Head of the Police of the District. The Landdrost presides at the Board of Heemraden, which in Criminal Cases takes cognizance of all Crimes and misdemeanours committed in the District and not subject to a more severe punishment than that of public scourging, transportation, banishment or confinement for a limited period, and of all complaints lodged with the Landdrost in which no amicable ar-
W. A. Wentzel	Secretary	26 Mar. 1819	Do.	150 0 0 (Fees) 48 15 0	
P. van Breda	Cashier of Tolls	Do.	Do.	27 0 0	
J. W. Nelson	Head Clerk	1 Apr. 1819	Do.	45 0 0	
(vacant)	Clerk	---	---	37 10 0	
J. N. Vos	Do.	28 Aug. 1818	Do.	22 10 0	
G. F. S. Geyer	Messenger	30 Dec. 1813	Sir J. F. Cradock	56 5 0 (Fees) 135 0 0	
J. Loeck	Under Sheriff	1 Apr. 1820	Sir R. S. Donkin	45 0 0 (Fees) 26 5 0	
	Eight Policemen.	---	---	31 10 each	
	Four Caffers	---	---	4 10 Do.	
	17 Field Cornets not possessing Loan Places.	---	---	1 17 6 (each.)	

CAPE DISTRICT. *Remarks.*—continued.

rangement between the parties can be effected. In Civil Cases the Board takes cognizance of all disputes about Lands, as to their limits, water, roads, servitudes, &c., as also of all debts not exceeding Rds. 300. The Landdrost also presides at the Board of Commissioners for trying all such petty Civil Cases not above Rds. 300 in value in which the Inhabitants of Cape Town are concerned.

The Board of Heemraden and Commissioners meet regularly every week, and as often as may be required for the dispatch of business. The Landdrost is the public prosecutor of all Capital Crimes, committed within his district; he is assisted by two Heemraden, and the Secretary acts as Coroner. He presides at the receipt of all Local Taxes paid in the District, and the annual returns of the population, property, &c., are made to a Committee at whose head he is. He has, assisted by Heemraden, the administration of the District Finances. The Landdrost is obliged to visit each subdivision of his district annually. All applications for Lands within the District are referred to the Board of Landdrost and Heemraden, and the Landdrost attended by a Heemraad and a Surveyor goes as frequently as his other duties permit on a Commission of Inspection to examine the Lands petitioned for and then reports upon them. Besides this the Landdrost has the superintendence of the public roads through the District and various other duties to perform.

In such Criminal Cases as are cognizable by the Board of Landdrost and Heemraden the Secretary is public Prosecutor.

RESIDENCY OF SALDANHA BAY.

		Resident . Two Boatmen . Signalman .	1 Jan. 1821 — —	— — —	£45 0 0 27 0 0 27 0 0		The Resident's duties are to cause all Ships which arrive in Saldanha Bay to be boarded, to prohibit smuggling or traffic, to keep a strict police, to take cognizance of robbery, mutiny, &c., to prevent persons from establishing themselves on any of the Islands within the limits of the Bay without proper authority.
J. Blake
T. Bennett

CHURCH ESTABLISHMENT ZWARTLAND.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
(vacant)	Minister	—	—	£150 0 0	
Ns. Kok	Church Clerk and Schoolmaster.	23 Jan. 1826	—	30 0 0	
H. F. Mellet	Do. at Tygerberg	23 June 1827	—	(Fees) 6 0 0 30 0 0	

CHURCH ESTABLISHMENT WYNBERG.

(vacant)	Chaplain	—	—	£75 0 0	
J. Balston	Church Clerk	15 Sept. 1825	Lord C. H. Somerset.	11 5 0	
M. Butler	Sexton	18 Sept. 1822	Do.	11 5 0	
J. Balston	Bellringer	15 Sept. 1825	Do.	7 10 0	
Do.	Schoolmaster	25 Oct. 1823	Do.	45 0 0	
S. Balston	Schoolmistress	1 Jan. 1824	Do.	15 0 0	
J. Balston	Postmaster	1 Feb. 1827	General Bourke	6 0 0	

PENSIONERS RESIDING IN THE CAPE DISTRICT.

J. Stoffberg	Late Resident of Saldanha Bay.	—	—	£27 0 0	
Hans Klappmuts	Hottentot Captain	—	—	36 10 0	
Pedro Bastard	Late private of the Cape Corps.	—	—	3 8 5½	
David Lynx	Do.	—	—	3 8 5½	

RESIDENCY OF SIMON'S TOWN.

			14 July 1825	Lord C. H. Somers- set.	£225 0 0 (Fees) 4 6 0	In his Civil duties the Resi- dent acts under Instruc- tions similar to those of the Landdrosts of the Country Districts.
M. G. Blake . .	Resident . .					
J. F. Goodwin . .	Secretary . .		25 Jan. 1822	Do.	75 0 0	
B. J. G. de Labat . .	Resident and Secre- tary's Clerk.		15 Sept. 1825	Do.	(Fees) 67 10 0	
T. B. Woolls . .	Functionary of Slaves.		1 July 1827	General Bourke .	75 0 0	
R. van der Schyff . .	Messenger . .		1 Jan. 1820	Lord C. H. Somers- set.	18 0 0	
Do. . .	Under Sheriff . .		Do.	Do.	(Fees) 3 0 0	
	Five Constables . .		—	—	19 10 0	
	Three Caffers . .		—	—	(Fees) 30 0 0	
J. F. Goodwin . .	Postmaster . .		25 Jan. 1822	Do.	31 10 each (Fees) 2 0 Do. 6 0 each	
					25 0 0	

ENGLISH EPISCOPAL CHURCH.

			13 Oct. 1819	Lord C. H. Somers- set.	£350 0 0	
G. W. Sturt . .	Chaplain . .					
J. Coleman . .	Church Clerk . .		28 Nov. 1825	Do.	11 5 0	
Do. . .	Sexton . .		Do.	Do.	(Fees) 2 0 0	
Do. . .	Bellringer . .		Do.	Do.	11 5 0	
Do. . .	Master of the free school.		17 Nov. 1825	Do.	7 10 0	
Mrs. Coleman . .	Mistress do. . .		1 July 1827	General Bourke .	60 0 0	
					45 0 0	

CUSTOM DEPARTMENT SIMON'S TOWN.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
F. Dashwood .	Collector of Customs.	9 Apr. 1819	Lord C. H. Somerset.	£700 0 0	The Duties of the Collector and Comptroller on this station are similar to those at Cape Town, but of less extent.
W. W. Bird .	Comptroller do. .	4 Sept. 1818	Do.	150 0 0	
W. Anderson .	Chief Clerk .	8 July 1819	Do.	75 0 0	
Thomas Alley .	Tide Waiter .	1 Oct. 1823	Lord C. H. Somerset.	54 0 0	
G. Sturt .	Wharfmaster .	9 Apr. 1824	Do.	54 0 0	
Do. . .	Clerk to the Comptroller.	15 Oct. 1826	General Bourke .	16 0 0	
R. Weatherley .	Harbourmaster .	17 Feb. 1821	Lord C. H. Somerset.	150 0 0	The Duties of the Harbour Master at Simon's Town are similar to those of the Port Captain in Cape Town.
J. S. Swayne .	Officer of Health.	3 Mar. 1822	Do.	22 10 0	
Abraham .	Cockswain .	—	—	36 0 0	
	Six Seamen .	—	—	27 0 each	
R. Lawder .	District Surgeon .	13 Sept. 1827	General Bourke .	15 0 0	

STELLENBOSCH DISTRICT.

D. J. van Ryneveld .	Landdrost .	22 July 1814	Lord C. H. Somerset. set.	£337 10 0	See the duties of the Landdrost of the Cape District.
P. C. van Blommestein	Secretary .	19 May 1813	Sir J. F. Cradock .	(Fees) 31 7 0	
J. G. G. v. Lindenbergh	Registrar of Slaves	1 Nov. 1826	General Bourke .	(Do.) 75 0 0	
J. van Blommestein	Clerk to do.	Do.	Do.	(Do.) 37 10 0	
J. A. Mader .	Do. to Landdrost	13 Nov. 1822	Lord C. H. Somerset. set.	(Do.) 30 10 6	
J. M. A. van Blommestein.	Do. to Secretary .	20 Feb. 1827	General Bourke .	(Do.) 22 10 0	
J. Knoop .	Messenger .	—	—	(Do.) 7 10 0	
D. Keninburgh .	Under Sheriff .	27 Oct. 1817	Lord C. H. Somerset. set.	(Do.) 5 5 0	
	Ten Constables .	—	—	(Do.) 45 0 0	
	Ten Caffers .	—	—	(Do.) 44 0 0	
C. Caldwell .	Postmistress .	9 May 1808	Earl of Caledon .	(Do.) 45 0 0	
				(Do.) 22 2 3	
				22 10 each	
				18 0 each	
				25 0 0	

CLERICAL ESTABLISHMENT

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
M. Borchards . .	Clergyman at Stellenbosch.	19 Sept. 1786	Dutch Government.	£150 0 0 (Fees) 22 0 5½	
J. J. Scholtz . .	Church Clerk . .	7 Apr. 1809	Earl of Caledon . .	14 18 6 (Fees) 7 7 0	
T. J. Herold . .	Clergyman at the Paarl.	1 July 1823	Lord C. H. Somerset.	150 0 0	
P. de Roubaix . .	Church Clerk . .	1 Jan. 1814	Do.	18 0 0 (Fees) 6 8 0	
J. Spyker . .	Clergyman at Somerset (Hott. Holland).	1 July 1823	Do.	150 0 0	
J. R. Mostert . .	Church Clerk . .	Do.	Do.	13 6 7½ (Fees) 0 7 6	
A. Brown . .	English Teacher at Stellenbosch.	2 July 1822	His Majesty's Secretary of State.	85 0 0	
William Thompson . .	Do. at Somerset . .	1 Feb. 1825	Lord C. H. Somerset.	60 0 0	
R. Saunders . .	Do. at the Paarl . .	1 Oct. 1826	Do.	80 0 0	
E. Smit . .	Instructor of Slaves at Stellenbosch.	1 July 1825	Do.	50 0 0	
A. Wrankmore . .	Postmistress at the Paarl.	27 Sept. 1816	Do.	18 0 0	
	14 Field Cornets not possessing Loan Places.	---	---	1 17 6 each	
H. R. de Vos . .	Postmaster at Somerset.	29 May 1823	Lord C. H. Somerset.	7 10 0	

PENSIONERS RESIDING IN THE DISTRICT.

C. D. Wentzel .	Late Postholder of Sweet Milk Valley	12 July 1814	Lord C. H. Somerset,	£22 10 0
Mrs. J. A. Schutz .	Widow of a late Clergyman of Graaff Reinet.	4 Oct. 1821	Do.	27 0 0
Mrs. J. J. Kicherer .	Do. of Tulbagh	1 Apr. 1825	Do.	27 0 0
	Two discharged men of the Cape Corps.	—	—	3 8 5½ each.
	One do., do. .	—	—	5 2 7½

SWELLENDAM DISTRICT.

H. Rivers .	Landdrost .	21 Jan. 1825	Lord C. H. Somerset,	£337 10 0 (Fees)	27 7 0	The Landdrost's duties are similar to those of the Landdrost of the Cape District, with the exception of a few local peculiarities as for instance that the last mentioned presides at the Board of Commissioners for trying all petty Civil Cases not exceeding Rds. 300 in value between Inhabitants of Cape Town which for
J. F. Bam .	Secretary .	12 May 1815	Do.	(Fees)	75 0 0	
J. A. H. Falek .	Assistant Registrar and Guardian of Slaves.	24 Sept. 1819	Do.	(Fees)	88 19 5	
Do. .	District Clerk .	Do.	Do.	(Fees)	37 10 0	
J. G. Cloete .	Clerk to Landdrost	1 Feb. 1827	General Bourke .		84 9 0	
G. M. Denner .	Do.	1 Apr. 1827	Do.		67 10 0	
Thomas Clark .	Messenger .	8 Sept. 1825	Lord C. H. Somerset,		30 0 0	
			set.		22 10 0	
					22 10 0	
					(Fees)	40 0 0

SWELLENDAM DISTRICT—*continued*.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
W. Hazel . .	Under Sheriff Six Constables Six Caffers . Postmaster	5 Oct. 1826 — — 1 Feb. 1827	General Bourke . — — Do.	£27 0 0 13 10each 4 10each 20 0 0	various reasons have no place in other Country Districts where similar cases are decided by the Board of Landdrost and Heemraden. There is another distinction that in the more distant districts the Boards of Landdrost and Heemraden do not meet so often as in the Cape District where they constitute two separate Boards. The District Clerk's duties are to register all Civil Cases which are to be filed before the annual Commission of Circuit, and to act as Secretary in all Criminal Cases before Landdrost and Heemraden in which the Secretary acts as Prosecutor for the Crown.

CLERICAL ESTABLISHMENT.

C. Mol . . .	Clergyman at Swellendam.	1 July 1823	Lord C. H. Somerset.	£150 0 0
C. Paulsen . . .	Church Clerk . . .	1 Oct. 1820	Sir R. S. Donkin . . .	13 6 7½
(vacant) . . .	Clergyman at Caledon.	—	—	150 0 0
D. de Vos . . .	Church Clerk . . .	19 Dec. 1814	Lord C. H. Somerset.	13 6 7½
E. M. Arnold . . .	English Teacher at Swellendam.	27 June 1823	Do.	100 0 0
R. Blair . . .	Do. at Caledon . . .	2 July 1822	His Majesty's Secretary of State.	65 0 0
T. Spengler . . .	Clerk to the Special Heemraad at do.	1 Jan. 1824	Lord C. H. Somerset.	22 10 0
O. P. Sietsman . . .	Messenger at do. . .	19 Apr. 1820	Sir R. S. Donkin . . .	22 10 0
J. G. van Graan . . .	Under Sheriff . . .	22 May 1822	Lord C. H. Somerset.	(Fees) 20 0 0
	Two Constables . . .	—	—	18 0 0
	Two Caffers . . .	—	—	13 10 each
G. C. Bergman . . .	Postmistress . . .	1 Oct. 1823	Do.	4 10 each
J. J. Spies . . .	Overseer of Woods at Grootvader's Bush.	1 July 1818	Do.	18 0 0
				10 0 3

PENSIONERS RESIDING IN THE DISTRICT.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
Leopold Koopman .	Hottentot Captain	—	—	£36 10 0	
Thomas Smith .	Do.	—	—	36 10 0	
J. J. Swanepoel .	Wounded in the pursuit of some Hottentot Rebels	19 Feb. 1805	General J. W. Janssens.	1 17 6	
M. C. Vos .	Widow of a Clergy- man of Caledon. Eight discharged men of the Cape Corps.	22 Mar. 1825	Lord C. H. Somerset.	27 0 0	
			—	3 8 5½ each.	

GRAAFF REINET DISTRICT.

A. Stockenstrom .	Landdrost .	12 May 1815	Lord C. H. Somerset.	£337 10 0 (Fees) 13 16 0	
E. Bergh O Son .	Secretary .	4 Aug. 1825	Do.	75 0 0	
J. J. Meintjes .	District's Clerk .	27 Oct 1820	Sir R. S. Donkin .	(Fees) 55 17 7½	
Do.	Assistant Registrar and Guardian of Slaves.	Do.	Do.	67 10 0	
E. Stockenstrom .	Landdrost Clerk .	1 May 1826	General Bourke .	37 10 0	
				30 0 0	

J. P. Meintjes .	Do.	Do.	(Fees)	22 10 0
J. Auret .	Secretary's do.	16 Aug. 1816	Lord C. H. Somerset.	1 16 0
J. N. Boshof .	Do.	1 Apr. 1824	(Fees)	22 10 0
J. Auret .	Messenger .	24 May 1819	Do.	3 9 0
J. J. Schindehutte .	Under Sheriff .	5 Apr. 1820	Sir R. S. Donkin .	22 10 0
	Four Constables .	—		27 0 0
	Ten Caffers .	—		13 10 each
E. Stockenstrom .	Postmaster .	1 May 1826	General Bourke .	4 10 Do.
	Three Field Com- mandants	—		25 0 0
	Fifteen Field Cor- nets	—		13 10 each
				15 0 Do.

SUBDIVISION OF BEAUFORT.

W. W. Harding .	Deputy Landdrost	16 Nov. 1826	General Bourke .	£150 0 0
T. N. G. Muller .	Secretary .	30 May 1823	Lord C. H. Somerset. set.	75 0 0
C. J. Rabe .	Landdrost Clerk .	1 Feb. 1826	Do.	30 0 0
H. A. Truter .	Secretary's Clerk .	6 Feb. 1823	Do.	22 10 0
H. S. Luttig .	Messenger .	1 Oct. 1823	Do.	22 10 0
M. J. Weeber .	Under Sheriff .	11 May 1821	Do.	18 0 0
	Two Constables .	—	—	13 10 each
	Two Caffers .	—	—	4 10 Do.
	Twelve Field Cor- nets	—	—	15 0 Do.
C. J. Rabe .	Postmaster .	1 Feb. 1826	Lord C. H. Somerset. set.	15 0 0

CLERICAL ESTABLISHMENT.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary	Remarks.
A. Murray .	Clergyman at Graaff Reinet.	6 July 1822	Lord C. H. Somerset.	£150 0 0	
A. van Lingen .	Church Clerk .	1 July 1812	Sir J. F. Cradock .	22 10 0	
C. Fraser .	Clergyman at Beaufort.	19 Dec. 1824	Lord C. H. Somerset.	150 0 0	
J. D. Hermans (vacant) .	Church Clerk . English Teacher . One Field Cornet not holding a place.	1 July 1826 — —	General Bourke . — —	13 6 7½ 85 0 0 1 17 6	

PENSIONERS RESIDING IN THE DISTRICT.

Piet Arend .	Hottentot Captain	—	—	£36 10 0	
Floris David .	Discharged private of the Cape Corps	—	—	3 8 5½	

UITENHAGE DISTRICT.

J. G. Cuyler . .	Landdrost . .	31 Jan. 1806	Sir David Baird . . {	£337 10 0
J. J. F. Roselt . .	Secretary . .	20 Feb. 1824	Lord C. H. Somerset. set.	(Fees) 17 5 0
H. Hudson . .	District's Clerk . .	11 May 1826	General Bourke . .	(Fees) 75 0 0
Do. . .	Assistant Registrar and Guardian of Slaves.	Do.	Do.	(Fees) 75 0 0
J. C. Cuyler Fuvier . .	Landdrost's Clerk . .	2 Jan. 1823	Lord C. H. Somerset. set.	67 10 0
R. Gunn . .	Secretary's do. . .	Do.	Do.	37 10 0
Do. . .	Messenger . .	Do.	Do.	30 0 0
J. Etchells . .	Under Sheriff . .	18 Dec. 1822	Do.	22 10 0
J. J. Muller . .	Field Commandant Eleven Field Cornets.	1 Mar. 1817	Do.	(Fees) 15 0 0
	Seven Constables	—	—	22 10 0
	Six Caffers	—	—	15 0 each
F. Alcock . .	Postmistress . .	19 Mar. 1823	Lord C. H. Somerset. set.	13 10 Do.
				4 10 Do.
				30 0 0

PORT ELIZABETH.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
F. Evatt . . .	Resident . . .	28 Apr. 1825	Lord C. H. Somerset.	£90 0 0	
M. A. Armstrong . . .	Secretary . . .	Do.	Do. {	45 0 0	
G. Ubsdell . . .	Clerk . . .	28 Apr. 1826	General Bourke . . .	(Fees) 11 5 0	
F. Griffin . . .	Messenger . . .	12 Jan. 1827	Do. {	22 10 0	
	One Constable . . .	— — —	— — —	22 10 0	(Fees) 7 10 0
	Two Caffers . . .	— — —	— — —	13 10 0	
William Dunn . . .	Officer of Customs . . .	1 Oct. 1821	Sir R. S. Donkin . . .	6 15 0	
Do.	Postmaster . . .	19 Jan. 1822	Lord C. H. Somerset.	75 0 0	
				18 0 0	
F. McClelland . . .	Five Boatmen . . .	— — —	— — —	27 0 each.	
	Clergyman . . .	10 Nov. 1825	Lord C. H. Somerset.	150 0 0	
W. R. Hilton . . .	Church Clerk . . .	15 Dec. 1825	Do.	13 6 7½	
A. Smith . . .	Clergyman at Uitenhage. . .	21 Sept. 1823	Do.	150 0 0	
J. Rose Innes . . .	English Teacher do. . .	2 July 1822	His Majesty's Secretary of State.	100 0 0	

PENSIONERS RESIDING IN THE DISTRICT.

Mrs. G. Stoltz .	Widow of a Field Commandant. Seventeen discharged privates of the Cape Corps Eighteen do., do.	—	—	£22 10 0 3 8 5½ each. 5 6 5½ each.
WORCESTER DISTRICT.				
C. Trappes .	Landdrost .	4 Jan. 1822	Lord C. H. Somerset. set.	£337 10 0 (Fees) 8 8 0
P. J. Poggenpoel .	Secretary .	20 June 1823	Do.	74 0 0 (Fees) 194 5 0
J. G. Aspeling .	District's Clerk .	15 Feb. 1822	Do.	67 10 0
Do.	Assistant Registrar and Guardian of Slaves.	Do.	Do.	37 10 0
C. F. Scholtz .	Landdrost Clerk .	1 Apr. 1822	Do.	45 0 0 (Fees) 5 12 6
N. S. de Kock .	Secretary's Clerk .	1 Apr. 1826	General Bourke .	30 0 0
F. Ming .	Messenger .	1 Oct. 1803	Dutch Govern-ment.	22 10 0 (Fees) 80 12 6
B. H. de Vries .	Under Sheriff .	26 Apr. 1820	Sir R. S. Donkin .	27 0 0 13 10 each.
J. Olivier .	Eight Constables .	—	—	4 10 Do.
Do.	Eight Callers .	30 Dec. 1824	Lord C. H. Somerset. set.	10 16 0
C. F. Scholtz .	Public Executioner. Postmaster .	1 Oct. 1822	Do.	18 0 0

SUBDIVISION OF CLAN WILLIAM.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary	Remarks.
J. van Ryneveld .	Deputy Landdrost	25 Mar. 1825	Lord C. H. Somerset.	£150 0 0 (Fees) 74 10 3	
D. Schönberg .	Secretary . .	29 Sept. 1820	Sir R. S. Donkin {	75 0 0	
C. M. Lind .	Clerk to the Landdrost.	1825	Lord C. H. Somerset.	(Fees) 33 13 10 22 10 0	
J. van Lil .	Do., Secretary .	1 Apr. 1823	Do.	30 0 0	
J. T. du Toit .	Messenger . .	1 July 1816	Do.	22 10 0 (Fees) 30 1 10	
R. Cowsert .	Under Sheriff .	13 Feb. 1822	Do.	27 0 0 (Fees) 2 13 0	
	Three Constables .	—	—	13 10 each	
	Five Caffers .	—	—	4 10 Do.	
L. Marquard .	Postmaster .	15 Dec. 1826	General Bourke .	15 0 0	
H. Sutherland .	Clergyman at Worcester.	6 August 1824	Lord C. H. Somerset.	150 0 0	
P. A. Combrinck (vacant) . .	Church Clerk .	10 Oct. 1827	General Bourke .	13 6 7½	
	Clergyman at Clan William.	—	—	150 0 0	
L. Marquard .	Church Clerk and Schoolmaster.	22 Nov. 1826	General Bourke .	30 0 0	
J. Evans .	English Teacher .	1 July 1827	General Bourke .	80 0 0	

G. Thom.	Clergyman at Tulbagh.	1 Sept. 1825	Lord C. H. Somerset.	150 0 0
C. de Kock Senr.	Church Clerk and Schoolmaster.	2 Sept. 1817	Do.	30 0 0
J. Reed	English Teacher.	1 Oct. 1826	General Bourke.	100 0 0
N. N. Wassenaar	Acting Under Sheriff.	—	Lord C. H. Somerset.	22 10 0
W. N. Vos	Postmaster.	7 Nov. 1822	Do.	18 0 0
J. Blaumo	Teacher at the Hantam.	19 June 1826	Do.	22 10 0
	Eight Field Cornets not possessing Loan Places.	—	—	1 17 6 each.

PENSIONERS RESIDING IN THE DISTRICT.

T. Mostert	Wounded in the pursuit of Cogan and his accomplices.	19 Dec. 1817	Lord C. H. Somerset.	£27 0 0
John Swart	Discharged Private of the Cape Corps	—	—	3 8 5½

GEORGE DISTRICT.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
J. W. van der Riet .	Landdrost .	10 Sept. 1819	Lord C. H. Somerset.	£337 10 0 (Fees) 19 16 0	
W. C. Kuys .	Secretary .	3 Sept. 1819	Do.	75 0 0 (Fees) 7 8 6	
D. Coolhaas .	District's Clerk .	19 June 1811	Earl of Caledon	67 10 0 (Fees) 11 5 0	
Do. .	Assistant Registrar and Guardian of Slaves.	26 June 1816	Lord C. H. Somerset.	37 10 0	
S. H. du Toit .	Landdrost Clerk .	23 Apr. 1811	Earl of Caledon .	30 0 0	
F. A. Petersen .	Secretary's do. .	26 Apr. 1827	General Bourke .	22 10 0 (Fees) 4 19 0	
J. C. Brewis .	Messenger .	1 Apr. 1824	Lord C. H. Somerset.	22 10 0 (Fees) 6 18 0	
R. Boswell .	Under Sheriff .	1 Oct. 1823	Do.	27 0 0 (Fees) 4 17 6	
	Six Constables .	—	—	13 10 each	
	Six Caffers .	—	—	4 10 Do.	
Madecan .	Executioner .	—	—	5 8 0	
S. H. du Toit .	Postmaster .	1 Oct. 1816	Lord C. H. Somerset.	18 0 0	

PLETTENBERG'S BAY.

R. C. Harker . . .	Resident . . .	15 Nov. 1826	General Bourke .	£45 0 0	The Resident superintends the Government Woods and Forests at Plettenberg's Bay, and renders assistance to ships driven into the Bay in distress &c.
Do.	Postmaster . . .	Do.		10 0 0	

MOSSEL BAY.

H. O. Acker . . .	Resident . . .	4 June 1819	Lord C. H. Somerset.	£45 0 0	
Carolus	Signalman . . .	—	—	5 15 6	

CLERICAL ESTABLISHMENT.

J. S. S. Ballot . . .	Clergyman . . .	25 May 1827	General Bourke .	£150 0 0	
B. van Beek . . .	Church Clerk . .	4 Oct. 1817	Lord C. H. Somerset.	13 6 7 ¹ / ₂	
William Dawson . .	English Teacher .	2 July 1822	His Majesty's Secretary of State.	80 0 0	
J. P. Weyers . . .	Overseer of the Woods.	13 Sept. 1820	Sir R. S. Donkin .	18 0 0	
J. M. Dietzel . . .	Do.	5 June 1822	Lord C. H. Somerset.	18 0 0	
S. Fend	Do. at Outeniqualand.	In 1799.	—	27 0 0	
J. Johnson	Pilot at the Knysna, and Officer of Customs.	1 Oct. 1825	Do.	60 0 0	
	Two Signalmen . .	—	—	27 0 each	

PENSIONERS RESIDING IN THE DISTRICT.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
Mrs. J. F. Meeding .	Widow of a late Superintendent of Plettenberg's Bay	July 1813	—	£22 10 0	
Mr. Bouter .	Discharged Private of the Cape Corps	25 Oct. 1825	—	5 6 5 $\frac{1}{4}$	
ALBANY DISTRICT.					
W. B. Dundas .	Landdrost .	21 Jan. 1825	Lord C. H. Somerset.	£337 10 0	
D. J. Cloete .	Secretary .	6 Dec. 1823	Do.	262 10 0	
G. Dyason .	District's Clerk .	1 Apr. 1825	Do.	67 10 0	
Do.	Assistant Registrar and Guardian of Slaves.	Do.		(Fees) 10 0 0	
R. Godlonton .	Clerk to the Landdrost.	30 July 1825	Do.	37 10 0	
P. R. Marillier .	Do.	6 Feb. 1827	General Bourke .	60 0 0	
J. G. de Villiers .	Do. to the Secretary.	19 Jan. 1824	Lord C. H. Somerset.	45 0 0	
P. Lowen .	Do.	23 Jan. 1824	Do.	45 0 0	
T. H. Halse .	Messenger .	1 July 1825	Do.	22 10 0	
				(Fees) 60 0 0	

C. Lucas	2nd do.	Do.	Do.	{ (Fees) 22 10 0 20 0 0
H. U'iate	Under Sheriff	31 Aug. 1825	Do.	{ (Fees) 27 0 0 40 0 0
	Eight Constables.	—	—	22 10 each
	Four Caffers	—	—	4 10 Do.
	One female attendant upon the	—	—	4 10 0
	Prisoners in Gaol	—	—	
	Two Field Commandants.	—	—	22 10 each
	Six Field Cornets.	—	—	15 0 Do.
G. Dyason	Postmaster	6 June 1823	Lord C. H. Somerset.	40 0 0

PORT FRANCES.

D. Moodie	Resident	20 Feb. 1825	Lord C. H. Somerset.	£90 0 0
A. Headle	Secretary	1 July 1825	Do.	45 0 0
J. H. Heath	Clerk	15 May 1825	Do.	22 10 0
F. Blackbeard	Messenger	Do.	Do.	22 10 0
Do.	Constable	1 Apr. 1826	Do.	13 10 0
T. F. Cowderoy	Officer of Customs	4 April 1823	Do.	75 0 0
Do.	Postmaster	6 June 1823	Do.	18 0 0
Edward Wallace	Harbourmaster	1 Oct. 1825	Do.	90 0 0
	One Cockswain	—	—	36 0 0
J. Garland	Carpenter	7 Jan. 1824	Lord C. H. Somerset.	36 0 0
	Six Boatmen	—	—	27 0 each

CLERICAL ESTABLISHMENT.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
(vacant)	Chaplain of the English Episcopal Church at Graham's Town.	—	—	£350 0 0	
W. Howard	Church Clerk do.	6 Apr. 1823	Lord C. H. Somerset.	11 5 0	
J. M. Cranhout	Sexton do.	11 Sept. 1822	Do.	11 5 0	
Do.	Bellringer do.	6 Apr. 1823	Do.	7 10 0	
(vacant)	Minister at Bathurst	—	—	150 0 0	
W. Shaw	Dissenting do. at Salem.	2 May 1820	Sir R. S. Donkin.	75 0 0	
W. E. Earle	Teacher at Bathurst.	17 Nov. 1825	Lord C. H. Somerset.	100 0 0	
Henry Lloyd	Do. at Graham's Town.	29 Oct. 1824	Do.	45 0 0	
W. Howard	Do. at do.	10 July 1823	Do.	45 0 0	
W. Matthews	Do. at Salem	1 Jan. 1823	Do.	22 10 0	
D. Page	Ranger of Woods.	1 Jan. 1825	Do.	45 0 0	
R. Wilde	Schoolmaster to the Settlers on the Coast of Albany.	23 Jan. 1824	Do.	22 10 0	
A. Bisset	Postmaster at Bathurst.	1 Jan. 1825	Do.	15 0 0	
	Two Caffre Interpreters.	29 Oct. 1825	Do.	3 12 each	

PENSIONERS RESIDING IN THE DISTRICT.

J. Redford	.	Late Government Gardener.	6 Feb. 1815	Lord C. H. Somer- set.	£22 10 0
Mrs. W. Nel	.	Widow of a Field Commandant.	1 Jan. 1818	Do.	22 10 0
		Twenty-six dis- charged Privates of the Cape Corps			3 8 5 $\frac{1}{4}$ each.
		Twenty-one do. .		---	5 6 5 $\frac{1}{2}$ each.
		One do. . . .		---	6 16 10 $\frac{1}{2}$

SOMERSET DISTRICT.

Name.	Office.	Date of Appointment.	By Whom Appointed.	Annual Salary.	Remarks.
W. M. Mackay	Landdrost .	31 March 1825	Lord C. H. Somerset.	£337 10 0	
W. M. van Onkruydt	Secretary .	Do.	Do.	75 0 0 (Fees) 300 0 0	
J. F. Ziervogel	District's Clerk .	1 Jan. 1827	General Bourke .	67 10 0 (Fees) 47 0 0	
Do. . .	Assistant Registrar and Guardian of Slaves.	Do.	Do.	37 10 0	
J. O'Reilly	Landdrost's Clerk	1 July 1826	Do.	30 0 0 (Fees) 26 5 0	
R. J. de Waal .	Secretary's do. .	7 June 1825	Lord C. H. Somerset.	22 10 0 (Fees) 52 10 0	
G. Aldrich	Messenger .	31 Mar. 1825	Do.	22 10 0 (Fees) 33 15 0	
F. W. Weyer .	Under Sheriff .	1 Oct. 1824	Do.	27 0 0 (Fees) 49 10 0	
	Two Constables .	—	—	13 10 each	
	Five Caffers .	—	—	4 10 Do.	
J. J. Durand .	Field Commandant	—	—	22 10 0	
	Eight Field Cornets	—	—	15 0 each	
J. O'Reilly	Postmaster	1 July 1826	General Bourke .	18 0 0	

CLERICAL ESTABLISHMENT.

G. Morgan	Clergyman .	18 Oct. 1825	Lord C. H. Somerset.	£150	0	0
(vacant)	Church Clerk	—	—	13	6	7½
J. Taylor	Clergyman at Cradock.	5 Dec. 1823	Do.	150	0	0
John Fourie	Church Clerk	—	Do.	13	6	7½
A. T. van Dyk	Postmaster at Cradock.	1 Jan. 1822	Do.	15	0	0
J. Devenish	Ranger of the Forest.	8 Jan. 1825	Do.	45	0	0
A. T. Caldecott	English Teacher at Somerset.	26 Jan. 1826	Do.	80	0	0

PENSIONERS RESIDING IN THE DISTRICT.

Mrs. D. Evans	Widow of the late Clergyman of Cradock.	16 Dec. 1823	Lord C. H. Somerset.	£27	0	0
Mrs. Niekerk	Do. of the late Field Commandant Nel.	1 Jan. 1818	Do.	22	10	0

[Original.]

SCHEDULES of the Fees received by the several Officers in the respective Departments, specifying the Authority under which they were originally Established, and by which the present Rates were fixed, and at what period.

OFFICE OF THE CHIEF SECRETARY TO GOVERNMENT.

The Fees allowed to the Clerk charged with the Debt Registers are,

	s.	d.
For a Copy or Extract from the Registers	1	9
For each Game Licence		4½

OFFICE OF THE TOWN GAOL.

The undermentioned fees were sanctioned by His Excellency the Governor on the 12th October 1818, and are enjoyed by the Individuals performing the Services.

For apprehending a deserted Slave, Negro Apprentice, free black or Hottentot in any one's Service within 3 days after his desertion in Cape Town and its vicinity	£	s.	d.
	0	2	3
If after that period or beyond Salt River	0	4	6
For apprehending a deserted Sailor of a Merchantman, or Servant, not being a resident of the Colony, on this side of the Salt River.	0	4	6
If beyond	0	9	0
For apprehending a deserted Sailor or Soldier in the King's Service agreeably to Act of Parliament	3	0	0
For transporting a Prisoner to Simon's Town, Stellenbosch, or an equal distance	0	4	6
For each day beyond that distance	0	2	3
For transporting a Prisoner to Wynberg, Muizenberg, or a like distance	0	2	3
Nearer than Wynberg beyond the Lines	0	1	1½

OFFICE OF THE SEQUESTATOR.

For each condition of sale of immovable property, enjoyed by the Vendue Clerk under the Instructions framed for the Department 6 0

STAMP OFFICE.

The fees charged here are as follows, and are enjoyed by the Commissioner, being accounted for to him by the Collector Monthly.

	s.	d.
On a Stamp from Rds. 60 to Rds. 25	1	6
„ „ „ „ „ 25 „ „ 10	0	9
„ „ „ „ „ 10 „ „ 5	0	4½
„ „ „ „ „ 5 „ „ 1	0	2¼
„ „ „ „ „ 1 „ „ ½	0	1½
„ „ „ „ „ ¼ „ „	0	0¾
„ „ „ „ „ ⅛	0	0⅛

For a Pound of Gunpowder issued to the Inhabitants or allowed to be imported for sale in the Colony, $4\frac{1}{2}d.$, which fee is appropriated in the following manner,

$\frac{1}{2}$	to the Commissioner of Stamps.
$\frac{1}{12}$	„ „ Collector of Do.
$\frac{1}{3}$	„ „ Ordnance Storekeeper.
$\frac{1}{12}$	„ „ Clerk of the Ordnance Superintending the issues.

CUSTOM HOUSE.

The following fees authorized in the Custom Department are of an old date.

To the Tidewaiter for attendance on Goods landed beyond the Wharf per diem	s. d.
To do. for do. on board on the transhipment of Goods.	4 6
To do. for extra hours in the Custom House Stores	4 6
To an extra Tidewaiter on board of foreign Vessels	4 6
For examining and comparing manifests outwards	4 6
For do. of Coasters	3 0
For gauging each Cask	0 9

PRINTING DEPARTMENT.

By the Government Advertisement of the 4th August 1825 the only fee authorized to be received in this Office is for advertisements presented for insertion in the Gazette after Wednesdays and which is divided among the journeymen in the Department according to their deserts. (See Establishment.)

VENDUE OFFICE.

The following fees received in this Department are levied according to usage, having been authorized since the first establishment of the Department.

	£	s.	d.
Giving notice of the intended Sale	0	1	6
Announcing the sale of real property each line	0	0	9
For every copy or extract not exceeding one sheet	0	1	6
For every subsequent sheet (if covering the 1 or 2 page)	0	0	9
For every do. if covering the 3 or 4 page	0	1	6
For examining and calculating the Vendue Roll and signing the Extract	0	1	6
For drawing up conditions of Sale of real property	0	3	0
For the engrossed copy of do.	0	4	6
For do if with insertions	0	6	0
For extra attendance of the Vendue Clerk after 12 o'clock in the morning and 5 o'clock in the afternoon for one hour or less	0	1	6
If exceeding that time	0	3	0

Records of the Cape Colony.

For attending sales in the Country districts to the	£	s.	d.
Vendue Clerk	0	4	6
For do. to the Auctioneer	0	3	0
Absence on duty in the Country each day . . .	1	4	0

The foregoing fees are paid by the Seller.

The following by the Purchaser.

Interest from the 26th of the Second month after that in which the purchase has been made at $\frac{1}{2}$ per cent per month.

Discount on Vendue Rolls at $\frac{1}{2}$ per cent per month.

For every engrossed copy of conditions of sale of real	£	s.	d.
property	0	4	6
If with restrictions	0	6	0

The fees established for the remuneration of Officers holding situations connected with the Courts of Law are fixed by the Tariff laid down by the Court of Justice.

[Original.]

POPULATION 1827.

	Whites exclusive of King's Troops.		Free Blacks.		Slaves.		Total.		King's Troops.	Residents.	Total including Troops.
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.			
Date of Census April 1827.											
Cape Town .	4,319	4,486	1,611	1,658	3,338	2,884	9,268	9,028	—	Indeterminate and fluctuating.	18,296
Cape District .	1,507	1,303	1,219	1,040	2,518	1,322	5,244	3,665	—		8,909
Simon's Town .	317	242	390	267	113	61	820	570	—		1,390
Stellenbosch .	2,903	2,744	1,195	1,038	5,119	3,326	9,217	7,108	—		16,325
Swellendam .	3,151	2,899	1,909	2,005	1,627	1,334	6,687	6,238	—		12,925
Graaff Reinet .	4,976	4,555	4,061	3,911	1,315	1,046	10,352	9,512	—		19,864
Uitenhage .	1,890	1,670	2,188	1,867	537	431	4,615	3,968	—		8,583
George .	1,842	1,606	940	933	914	801	3,696	3,340	—		7,036
Worcester .	2,746	2,510	2,961	2,909	2,271	1,896	7,978	7,315	—		15,293
Somerset .	3,078	2,912	2,027	2,057	695	622	5,800	5,591	—		11,391
Albany .	2,232	1,787	902	764	51	51	3,185	2,602	—		5,787
Marriages .	—	—	—	—	—	—	—	—	—	Indeterminate and fluctuating.	595
Births .	—	—	—	—	—	—	—	—	—		4,165
Deaths .	—	—	—	—	—	—	—	—	—		1,810
during the last year											
General Total.	28,961	26,714	19,403	18,449	18,498	13,774	66,862	58,937	1,890	—	127,689

[Original.]

Imports in

CAPE

Articles Imported.	Estimated Value in Pounds Sterling.			
Description and Quantity.	From Great Britain.	British Colonies.	Foreign States.	Total.
Agricultural Implements. . . .	1,372	—	—	1,372
Apothecary	1,621	57	79	1,757
Apparel and Slops	5,555	5	—	5,560
Artificial Flowers	—	—	91	91
Bacon and Hams 13,925 lbs. . . .	454	—	99	553
Beef and Pork 152 Barrels	426	—	18	444
Bellows (Smiths)	138	—	—	138
Beer	3,095	—	100	3,195
Blacking	1,276	—	—	1,276
Books Printed	411	33	208	652
Brass and Copper Ware	1,930	—	66	1,996
Brushes and Brooms	840	—	47	887
Beads 23,845 lbs	1,591	—	—	1,591
Butter	—	—	3	3
Cabinet and Upholstery ware . . .	1,488	—	89	1,577
Carriages	499	63	—	562
Candles, Tallow, Wax, and Sperm, 6,775 lbs.	450	233	16	699
Coals 5,336 Chaldrons	1,105	—	—	1,105
Cheese 8,600 lbs.	403	—	283	686
Cyder and Perry	331	—	—	331
Clocks	133	—	—	133
Confectionery.	731	359	169	1,259
Cotton Manufactures	68,258	—	—	68,258
Copper Sheets and Nails 9,600 lbs. .	498	—	—	498
Cordage 898 Cwt.	2,026	35	4	2,065
Corks and Bungs	162	—	133	295
Corn, Grain and Meal viz. :—				
Pease 72 Bushels	36	—	—	36
Pearl and Scotch Barley 10,650 lbs.	163	—	70	233
Wheat 817,220 lbs.	602	1,762	396	2,760
Flour 982 Barrels	—	887	54	941
Paddy and Grain 30 Bags . . .	—	8	—	8
Rice 18,538 Bags.	—	9,536	105	9,641
Coffee 230,415 lbs.	—	288	3,255	3,543
Chocolate 450 lbs.	—	—	17	17
Cheroots	—	149	40	189
Calicoes and Muslins	—	13,807	—	13,807
Dates	—	20	—	20
Earthenware	5,050	197	53	5,300

the year 1827.

TOWN.

Ships Inwards.

Great Britain.		British Colonies.		United States.		Foreign States.		Total.		
No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	Men.
-	—	1	225	-	—	-	—	1	225	12
-	—	1	142	-	—	-	—	1	142	15
-	—	1	261	-	—	-	—	1	261	19
-	—	1	449	-	—	-	—	1	449	31
-	—	-	—	-	—	1	469	1	469	21
-	—	-	—	-	—	1	197	1	197	13
1	351	-	—	-	—	-	—	1	351	24
-	—	1	84	-	—	-	—	1	84	7
-	—	1	134	-	—	-	—	1	134	10
1	204	-	—	-	—	-	—	1	204	10
-	—	1	329	-	—	-	—	1	329	35
-	—	-	—	-	—	1	440	1	440	40
-	—	-	—	-	—	1	1,414	1	1,414	140
1	201	-	—	-	—	-	—	1	201	11
1	429	-	—	-	—	-	—	1	429	23
1	179	-	—	-	—	-	—	1	179	11
-	—	1	403	-	—	-	—	1	403	23
-	—	-	—	-	—	1	450	1	450	55
-	—	1	84	-	—	-	—	1	84	9
-	—	1	493	-	—	-	—	1	493	40
1	198	-	—	-	—	-	—	1	198	9
1	108	-	—	-	—	-	—	1	108	10
-	—	1	203	-	—	-	—	1	203	13
-	—	1	294	-	—	-	—	1	294	17
-	—	1	676	-	—	-	—	1	676	80
-	—	1	335	-	—	-	—	1	335	17
-	—	1	265	-	—	-	—	1	265	13
1	178	-	—	-	—	-	—	1	178	7
-	—	1	465	-	—	-	—	1	465	36
-	—	-	—	-	—	1	408	1	408	34
-	—	1	92	-	—	-	—	1	92	9
-	—	1	447	-	—	-	—	1	447	32
-	—	1	49	-	—	-	—	1	49	7
-	—	1	446	-	—	-	—	1	446	37
-	—	1	723	-	—	-	—	1	723	55
-	—	1	293	-	—	-	—	1	293	20
-	—	1	366	-	—	-	—	1	366	23
-	—	1	100	-	—	-	—	1	100	9
-	—	1	142	-	—	-	—	1	142	14

Articles Imported.	Estimated Value in Pounds Sterling.			
	From Great Britain.	British Colonies.	Foreign States.	Total.
Fish	270	—	56	326
Furniture	—	29	15	44
Glue	254	—	—	254
Gunpowder 650 lbs.	47	—	—	47
Guns and Fowling Pieces	493	—	—	493
Glassware	2,848	—	99	2,947
Glasses, looking	—	—	113	113
Gunnies	—	15	—	15
Ginger 4,500 lbs.	—	76	—	76
Haberdashery and Millinery	7,472	74	80	7,626
Hardware and Cutlery	7,936	—	—	7,936
Hair, Horse 3,000 lbs.	120	—	—	120
Hats, Straw, Willow, Woollen, and Leather	8,826	—	25	8,851
Hops and Malt	502	—	—	502
Hides	—	41	—	41
Jewellery	1,928	—	83	2,011
Iron, Bar, Bolt, and Rod 4,189 Cwt.	2,413	—	—	2,413
Hoops 3,228 Cwt.	2,370	—	—	2,370
Isinglass	14	—	—	14
Indigo	—	174	—	174
Lead, Bar, Pig, Sheet, and Shot 355 cwt.	457	—	—	457
Leather, Wrot., dressed and Tanned	4,467	57	21	4,545
Linen Manufactures	7,081	157	47	7,285
Lines and Twines	1,183	—	12	1,195
Lacquered Ware	—	8	—	8
Mathl. and Opt. Instruments	316	—	—	316
Marble	118	—	21	139
Maps and Charts	200	—	—	200
Musical Instruments	1,178	—	249	1,427
Mats	—	59	—	59
Nankeens	—	2,310	85	2,395
Oil, Olive	156	—	—	156
Painters' Oils, Colours, and Materials	2,668	—	136	2,804
Perfumery	632	115	124	871
Pewter and Tinware	1,924	—	—	1,924
Pickles, Mustards and Sauces	927	—	18	945
Pitch 122 Barrels	443	—	—	443
Plated, Gilt and Japanned ware	1,801	—	—	1,801
Pepper	—	72	—	72
Pitch 22 Barrels	25	—	10	35
Preserves	—	—	66	66
Rattans	—	438	48	486
Stones viz. :—Bricks	322	—	—	322
Mill and Grind	174	—	—	174

—continued.

Ships Inwards.										
Great Britain.		British Colonies.		United States.		Foreign States.		Total.		
No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	Men.
—	—	1	181	—	—	—	—	1	181	15
1	185	—	—	—	—	—	—	1	185	10
1	477	—	—	—	—	—	—	1	477	23
—	—	—	—	—	—	1	810	1	810	38
1	379	—	—	—	—	—	—	1	379	24
—	—	1	447	—	—	—	—	1	447	33
1	208	—	—	—	—	—	—	1	208	11
—	—	1	430	—	—	—	—	1	430	40
—	—	1	793	—	—	—	—	1	793	72
—	—	1	343	—	—	—	—	1	343	24
1	138	—	—	—	—	—	—	1	138	8
—	—	1	213	—	—	—	—	1	213	12
1	723	—	—	—	—	—	—	1	723	65
1	1,354	—	—	—	—	—	—	1	1,354	144
1	449	—	—	—	—	—	—	1	449	36
—	—	1	262	—	—	—	—	1	262	20
—	—	—	—	—	—	1	211	1	211	10
—	—	—	—	—	—	1	1,348	1	1,348	117
—	—	—	—	—	—	1	380	1	380	24
1	156	—	—	—	—	—	—	1	156	11
—	—	1	194	—	—	—	—	1	194	11
1	620	—	—	—	—	—	—	1	620	46
—	—	—	—	—	—	1	331	1	331	22
1	262	—	—	—	—	—	—	1	262	14
—	—	1	182	—	—	—	—	1	182	24
1	535	—	—	—	—	—	—	1	535	40
—	—	1	300	—	—	—	—	1	300	18
—	—	—	—	—	—	1	400	1	400	40
—	—	1	446	—	—	—	—	1	446	50
—	—	1	678	—	—	—	—	1	678	48
—	—	1	549	—	—	—	—	1	549	51
—	—	1	586	—	—	—	—	1	586	60
—	—	—	—	—	—	1	154	1	154	11
—	—	1	142	—	—	—	—	1	142	14
—	—	1	49	—	—	—	—	1	49	6
—	—	1	84	—	—	—	—	1	84	8
—	—	—	—	—	—	1	93	1	93	8
1	164	—	—	—	—	—	—	1	164	10
—	—	1	116	—	—	—	—	1	116	9
—	—	1	712	—	—	—	—	1	712	55
—	—	—	—	—	—	—	—	—	—	—
—	—	1	155	—	—	—	—	1	155	13
1	217	—	—	—	—	—	—	1	217	13
—	—	1	514	—	—	—	—	1	514	42

Articles Imported.	Estimated Value in Pounds Sterling.			
	From Great Britain.	British Colonies.	Foreign States.	Total.
Saddlery and Harness	4,579	—	—	4,579
Suet	101	—	—	101
Silk Manufactures	2,831	2,956	230	6,017
Stuffs	3,495	—	—	3,495
Soap 1,037 Cwt.	1,437	—	46	1,483
Starch	55	—	12	67
Stationery	2,788	166	63	3,017
Spirits viz. :				
Gin 5,818 Gallons	197	—	476	673
Whisky 10 Gallons	2	—	—	2
Brandy 63,805 Do.	6,818	2	516	7,336
Liqueurs 122 Do.	—	8	32	40
Rum 6,518 Do.	10	341	—	351
Sugar 226,877 lbs.	294	8,380	1,106	9,780
Spices 3,090 lbs.	—	129	114	243
Salt Petre	—	123	—	123
Silver —Wrot. 1,021 oz.	156	—	26	182
Sago 14,850 lbs.	—	200	16	216
Tobacco Manufactured	766	—	969	1,735
Toys	360	—	89	449
Tar, (Coal) 197 Barrels	82	—	—	82
Turnery	621	—	—	621
Tea 95,184 lbs.	581	—	13,701	14,282
Tamarinds	—	307	21	328
Tortoise Shell and Ivory ware	—	337	—	337
Turmeric	—	73	9	82
Tar 409 Barrels	242	—	98	340
Umbrellas and Parasols	984	—	—	984
Vinegar	—	—	3	3
Vermicelli and Maccaroni	—	—	53	53
Woollens	17,677	—	—	17,677
Wood viz. : Pipe Packs	1,976	—	—	1,976
„ Casks	227	—	735	962
Deals	2,228	—	—	2,228
Mahogany	218	—	—	218
Staves	2,824	—	—	2,824
Timber	905	572	742	2,219
Wines French 3,944 Gallons	353	85	1,060	1,498
Madeira 1,860 Do.	405	87	—	492
Port 1,912 Do.	493	119	—	612
Spanish 850 Do.	227	53	—	280
Cape 384 Do.	26	—	—	26
Rhenish 105 Do.	—	—	57	57
Water, Mineral	—	—	6	6

—continued.

Ships Inwards.										
Great Britain.		British Colonies.		United States.		Foreign States.		Total.		
No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	Men.
1	242	—	—	—	—	—	—	1	242	15
—	—	—	—	—	—	1	1,425	1	1,425	133
—	—	1	188	—	—	—	—	1	188	14
1	230	—	—	—	—	—	—	1	230	13
1	270	—	—	—	—	—	—	1	270	18
—	—	1	134	—	—	—	—	1	134	10
—	—	1	237	—	—	—	—	1	237	14
—	—	1	116	—	—	—	—	1	116	10
—	—	1	49	—	—	—	—	1	49	7
1	78	—	—	—	—	—	—	1	78	8
1	236	—	—	—	—	—	—	1	236	13
1	360	—	—	—	—	—	—	1	360	20
1	485	—	—	—	—	—	—	1	485	32
1	490	—	—	—	—	—	—	1	490	36
1	589	—	—	—	—	—	—	1	589	50
1	70	—	—	—	—	—	—	1	70	6
—	—	1	233	—	—	—	—	1	233	14
1	493	—	—	—	—	—	—	1	493	45
—	—	1	108	—	—	—	—	1	108	10
1	189	—	—	—	—	—	—	1	189	11
3	699	—	—	—	—	—	—	3	699	45
—	—	1	142	—	—	—	—	1	142	15
—	—	2	618	—	—	—	—	2	618	52
5	1,526	—	—	—	—	—	—	5	1,526	105
—	—	—	—	—	—	1	236	1	236	19
5	2,284	—	—	—	—	—	—	5	2,284	185
—	—	2	357	—	—	—	—	2	357	21
3	1,375	—	—	—	—	—	—	3	1,375	110
—	—	2	263	—	—	—	—	2	263	19
—	—	—	—	—	—	1	151	1	151	8
—	—	—	—	1	288	—	—	1	288	15
2	642	—	—	—	—	—	—	2	642	38
—	—	—	—	—	—	1	286	1	286	24
—	—	2	545	—	—	—	—	2	545	25
—	—	—	—	—	—	1	692	1	692	33
3	1,237	—	—	—	—	—	—	3	1,237	112
—	—	3	581	—	—	—	—	3	581	59
3	1,031	—	—	—	—	—	—	3	1,031	74
—	—	2	592	—	—	—	—	2	592	28
—	—	—	—	—	—	2	393	2	393	25
4	1,465	—	—	—	—	—	—	4	1,465	124
—	—	4	1,059	—	—	—	—	4	1,059	83
4	952	—	—	—	—	—	—	4	952	7
—	—	4	893	—	—	3	529	7	1,422	1

Articles Imported.	Estimated Value in Pounds Sterling.			
	From Great Britain.	British Colonies.	Foreign States.	Total.
Ale and Beer 25 Casks and 50 Doz. .	29 $\frac{1}{2}$	—	15	44 $\frac{1}{2}$
Anchovies 43 Kegs.	—	—	14 $\frac{1}{2}$	14 $\frac{1}{2}$
Beef 2 Tierces	8	—	—	8
Blacking 14 dozen	6	—	—	6
Blocks 148	5	—	—	5
Books 11 Cases	—	—	144 $\frac{1}{2}$	144 $\frac{1}{2}$
Brass Manufacture 3 Cases . . .	—	—	11	11
Bricks 300	1	—	—	1
Brushes and Brooms 300 Pt. . .	—	—	10	10
Candles, Wax 86 lbs.	—	4	6	10
Canvas 64 Pieces	85	—	—	85
Cheese 4,863 lbs.	12 $\frac{1}{2}$	—	173 $\frac{1}{4}$	185 $\frac{3}{4}$
Cheroots 16,000	—	8	—	8
Coals 2 Chaldrons	6 $\frac{1}{2}$	—	—	6 $\frac{1}{2}$
Cocoa Nuts 100	—	$\frac{1}{2}$	—	$\frac{1}{2}$
Coffee 10,901 lbs.	—	51	2	53
Confectionery 3 Cases	—	—	10	10
Copper Manufacture 2 Chests . .	—	—	38	38
Cotton Manufacture 489 Pieces .	—	124	—	124
Cows 2	12	—	—	12
Eels 10 Kegs	—	—	5	5
Fish 775 lbs.	—	—	13	13
Flints 6 Kegs	—	—	5	5
Gigs 2	40	5	—	45
Gin 275 Gallons	—	—	30	30
Glass 22 Cases	—	—	37	37
Grind Stones 1	1	—	—	1
Hams, 1,370 lbs.	—	1	52	53
Hats, Straw, 13	—	$\frac{1}{2}$	—	$\frac{1}{2}$
Herrings, 167 Kegs	—	—	29	29
Linen, 1 Case	—	—	2	2
Liqueurs, 300 Bottles	—	—	30	30
Medicine, 6 Boxes	—	—	62	62
Musical Instruments, 9 Cases . .	—	30	83	113
Mustard, 6 Dozen	9 $\frac{1}{2}$	—	—	9 $\frac{1}{2}$
Eau de Cologne, 1 Case	—	—	16	16
Oil, 166 Gallons	2	14	15	31
Paint, 16 Kegs	20	—	—	20
Paper, Hanging 4 Cases	—	—	69	69
Pearl Barley, 70 Kegs	—	—	26 $\frac{1}{4}$	26 $\frac{1}{4}$
Pickles and Preserves, 13 Cases .	19	—	—	19
Pigs, 1 Hd.	1	—	—	1
Pork, 4 Tierces	16	—	—	16
Quills, 1 Box	—	—	8	8
Rice, 282 Bags	—	211 $\frac{1}{2}$	—	211 $\frac{1}{2}$
Saddlery, 4 Boxes	—	14	—	14

BAY.

[illegible]

Articles Imported.		Estimated Value in Pounds Sterling.			
Description and Quantity.		From Great Britain.	British Colonies.	Foreign States.	Total.
Salmon, 13 Kegs		—	—	11	11
Sausages, 30 Do. . . .		—	—	9	9
Segars, 3 Boxes		—	—	10½	10½
Silk Manufacture 3 Cases and 82 Pieces		—	133	190	323
Spirits, Brandy, 3 Gallons . .		—	1	—	1
Stationery, 6 Cases		—	—	64	64
Sugar, 900 lbs.		—	9	—	9
Suet, 9 Kegs	8	—	—	—	8
Sweetmeats, 1 Box		—	—	1	1
Tin Manufacture 2 Chests . .		—	—	9	9
Tobacco, 1 Cask		—	—	15	15
Tools, 1 Case.		—	—	15	15
Tortoiseshell, Manufactured, 10 dozen		—	14	—	14
Toys, 4 Chests		—	—	35	35
Treacle, 15 Jars and 41 Gallons. .	6	—	—	5½	11½
Turpentine, 13 Boxes		—	—	10	10
Vinegar, 50 Kegs		—	—	15	15
Vitriol, 1 Box		—	—	2	2
Wearing apparel, 1 parcel . . .	1	—	—	—	1
Wine, Claret 2 dozen 1 H.Hd. . .		—	9	—	9
„ Dutch, 48 dozen		—	—	51½	51½
„ Madeira, 18 dozen		—	40	—	40
„ Portugal, 9 dozen		—	15	—	15
Wood, 189 Pieces		—	137	30	167
Simon's Town	289	821½	1,380	2,490½	
Cape Town	214,167	45,002	26,883	286,052	
Total Value of Imports	414,456	45,823½	28,263	288,542½	

[Original.]

Exports in

CAPE

Articles Exported.	Estimated Value in Pounds Sterling.			
Description and Quantity.	To Great Britain.	British Colonies.	Foreign States.	Total.
Aloes 136,589 lbs.	1,016	—	256	1,272
Argol 18,890 lbs.	373	—	13	386
Bone, Ox	75	—	—	75
Bone, Whale 9,150 lbs.	585	—	—	585
Buchu 2,000 lbs.	3	—	—	3
Butter 98,914 lbs.	—	2,692	225	2,917
Beer	—	597	—	597
Beef and Pork 30 Barrels	—	154	—	154
Beads 10,680 lbs.	30	1,616	—	1,646
Bacon and Hams 940 lbs.	—	93	—	93
Books Printed	—	15	—	15
Curiosities	1,135	38	55	1,228
Corn, Grain, Meal, viz. :—	—	—	—	—
Barley 2,153 Muids	—	783	—	783
Oats 4,730 Muids	—	1,560	—	1,560
Flour 20,200 lbs.	—	180	—	180
Wheat 9,000 lbs.	—	—	40	40
Cheese 4,270 lbs.	—	118	—	118
Candles, Wax and Tallow	—	54	22	76
Carriages	—	1,793	—	1,793
Confectionery	—	—	10	10
Cordage 49 cwt.	64	—	40	104
Copper old	267	56	100	423
Cotton Manufactures	80	2,016	—	2,096
Cabinet and Upholstery ware	—	467	—	467
Calicoes and Muslins	—	—	540	540
Elephant and Seacow Teeth, 38,140 lbs.	3,339	969	—	4,308
Earthenware	—	80	—	80
Feathers, Ostrich, 570 lbs.	997	23	238	1,258
Fruits, dried, 161,580 lbs.	652	1,182	730	2,564
Fish	—	194	—	194
Fruits, Green	—	32	—	32
Gum, 16,720 lbs.	128	—	115	243
Garden Seeds	165	370	66	601
Gnoos, 6 Head	45	—	100	145
Glassware	—	180	—	180
Gunpowder	—	—	15	15
Hides, Horse and Ox, 75,210 ps.	25,752	5	1,335	27,092
Horns, Ox, 78,289	2,494	—	8	2,502

the year 1827.

TOWN.

Ships Outwards.								
Great Britain.		British Colonies.		Foreign States.		Total.		
No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	Men.
—	—	1	225	—	—	1	225	20
2	710	—	—	—	—	2	710	50
—	—	1	142	—	—	1	142	15
—	—	—	—	1	464	1	464	21
—	—	—	—	1	93	1	93	8
—	—	—	—	1	197	1	197	13
—	—	3	569	—	—	3	569	41
4	1,099	—	—	—	—	4	1,099	69
—	—	1	202	—	—	1	202	15
—	—	—	—	1	400	1	400	40
1	1,414	—	—	—	—	1	1,414	140
1	201	—	—	—	—	1	201	11
—	—	2	608	—	—	2	608	34
1	403	—	—	—	—	1	403	23
—	—	—	—	1	450	1	450	55
—	—	1	84	—	—	1	84	9
2	691	—	—	—	—	2	691	49
—	—	1	108	—	—	1	108	10
3	1,173	—	—	—	—	3	1,173	110
3	1,227	—	—	—	—	3	1,227	82
—	—	1	78	—	—	1	78	7
1	465	—	—	—	—	1	465	36
—	—	—	—	1	408	1	408	31
1	447	—	—	—	—	1	447	32
—	—	1	49	—	—	1	49	7
1	446	—	—	—	—	1	446	36
3	1,382	—	—	—	—	3	1,382	98
—	—	1	142	—	—	1	142	14
2	703	—	—	—	—	2	703	43
—	—	—	—	2	1,189	2	1,189	62
3	1,085	—	—	—	—	3	1,085	98
2	1,136	—	—	—	—	2	1,136	96
3	1,074	—	—	—	—	3	1,074	85
—	—	1	1,359	—	—	1	1,359	144
—	—	1	449	—	—	1	449	36
1	262	—	—	—	—	1	262	20
1	211	—	—	—	—	1	211	10
1	1,348	—	—	—	—	1	1,348	140
—	—	—	—	1	380	1	380	24

Articles Exported.	Estimated Value in Pounds Sterling.			
	To Great Britain.	British Colonies.	Foreign States.	Total.
Hay, 11,000 lbs.	—	34	—	34
Horses, 310 Head	—	7,738	160	7,898
Haberdashery and Millinery	100	—	—	100
Hardware and Cutlery	26	193	60	279
Hats	—	58	78	136
Hair, Horse	—	—	48	48
Jewellery	—	—	50	50
Lions, 1 Head	20	—	—	20
Linen Manufactures	—	182	373	555
Lead, 167 cwt.	—	160	—	160
Leather, Wrot.	—	190	40	230
Mules, 207 Head	—	1,792	—	1,792
Musical Instruments	10	340	—	350
Oil, Whale, 24,463 Gallons	1,830	326	—	2,156
Onions, 50 Muids	—	19	—	19
Oxen, Cows, and Calves, 104 head	—	298	110	408
Poultry	—	25	—	25
Preserves	—	81	—	81
Polonies	—	32	—	32
Perfumery	10	45	9	64
Painters' Oils and Colors	—	198	225	423
Pewter and Tinware	—	199	—	199
Pitch, 25 Barrels	—	37	—	37
Pickles, Mustard, and Sauces	—	—	67	67
Rusks	—	15	—	15
Rattans	22	—	—	22
Skins, viz. :—				
Goat, 47,777 ps.	4,010	—	—	4,010
Seal, 13,442 ps.	2,317	—	—	2,317
Sheep, 59,406 ps.	2,035	—	—	2,035
Calf, 2,996 ps.	273	—	270	543
Wild Beast, 20 ps.	—	—	9	9
Sheep, 149 Head	—	546	15	561
Soap, 250 lbs.	—	12	—	12
Salt, 1,675 Muids	—	300	8	308
Spirits, viz. :—				
Brandy, 1,794 Gallons	—	60	267	327
Gin, 200 Gallons	—	—	30	30
Stationery	100	45	225	370
Silver (old), 600 oz.	100	—	—	100
Saddlery and Harness	110	—	—	110
Silks	—	200	370	570
Sugar, 137,500 lbs.	—	550	1,297	1,847
Tigers, 1 Head	20	—	—	20
Tallow, 37,800 lbs.	635	100	—	735

TOWN—continued.

Ships Outwards.								
Great Britain.		British Colonies.		Foreign States.		Total.		
No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	Men.
1	185	—	—	—	—	1	185	10
—	—	1	156	—	—	1	156	11
—	—	1	84	—	—	1	84	9
1	174	—	—	—	—	1	174	11
—	—	2	951	—	—	2	951	68
—	—	2	717	—	—	2	717	64
—	—	—	—	1	401	1	401	43
2	1,124	—	—	—	—	2	1,124	98
—	—	1	300	—	—	1	300	18
1	549	—	—	—	—	1	549	51
1	536	—	—	—	—	1	536	60
—	—	—	—	1	154	1	154	11
—	—	1	142	—	—	1	142	14
1	164	2	142	—	—	3	306	24
—	—	1	116	—	—	1	116	9
—	—	—	—	1	150	1	150	9
—	—	1	262	—	—	1	262	14
3	1,381	—	—	—	—	3	1,381	110
—	—	1	242	—	—	1	242	15
1	1,425	—	—	—	—	1	1,425	140
—	—	2	418	—	—	2	418	27
2	487	—	—	—	—	2	487	31
—	—	4	546	—	—	4	546	39
1	236	—	—	—	—	1	236	13
—	—	6	2,078	—	—	6	2,078	152
1	233	—	—	—	—	1	233	14
—	—	5	1,300	—	—	5	1,300	100
1	242	—	—	—	—	1	242	15
—	—	1	83	—	—	1	83	12
3	1,144	—	—	—	—	3	1,144	74
—	—	2	753	—	—	2	753	61
1	164	—	—	—	—	1	164	10
—	—	1	236	—	—	1	236	19
—	—	3	1,295	—	—	3	1,295	98
—	—	4	1,526	—	—	4	1,526	138
1	308	—	—	—	—	1	308	15
—	—	1	723	—	—	1	723	65
1	164	—	—	—	—	1	164	10
—	—	—	—	2	727	2	727	23
3	817	—	—	—	—	3	817	49
—	—	—	—	1	286	1	286	24
1	428	—	—	—	—	1	428	26
—	—	1	116	—	—	1	116	9
1	189	—	—	—	—	1	189	11

CAPE

Articles Exported.	Estimated Value in Pounds Sterling.			
Description and Quantity.	To Great Britain.	British Colonies.	Foreign States.	Total.
Tobacco, 10,550 lbs.	—	675	—	675
Tar, 50 Barrels	—	62	—	62
Tea, 130 lbs.	—	19	—	19
Vinegar, 1,038 lbs.	—	8	20	28
Umbrellas and Parasols	—	25	—	25
Wool, 47,673 lbs.	2,192	36	—	2,228
Wine of all sorts :—				
Cape, 1,418,789 Gallons	91,867	18,463	9,276	119,606
Constantia, 3,388 Gallons	1,734	824	30	2,588
Wax, Bees', 3,918 lbs.	380	—	—	380
Wine :—				
Madeira, 85 Gallons	25	15	—	40
French, 121 Gallons	—	21	8	29
Woollens	45	135	—	180
Zebras, 8 Head	160	—	—	160

SIMON'S

Ale and Beer, 131 dozen	38	22	—	60
Barley, Oats, and Bran, 85 Muids	36	8	—	44
Beans and Peas, 21 Muids	7	11	—	18
Beef and Pork, 43 Barrls. and 96,689 lbs.	129	604	—	733
Bees, Swarms, 4	—	4	—	4
Biscuit and Flour, 219,208 lbs.	388	1,464	—	1,852
Brandy, 7 dozen and 650 Gallons	53	5	—	58
Bread, soft, 67,822 lbs.	—	425	—	425
Butter, 1,420 lbs.	—	35	—	35
Candles, 700 lbs.	11	13	—	24
Canvas, 18 Bls.	45	—	—	45
Cheese, 22 pieces	4	—	—	4
Coals, 6 Chaldrons	18	—	—	18
Coffee, 400 lbs.	10	5	—	15
Cows and Oxen, 9 Head	26	12	—	38
Curiosities, 2 Boxes	13	—	—	13
Dried Fruits, Almonds and Walnuts, 50,300 lbs.	10	7	—	17
Dried Fruits, all other sorts, 7,694 lbs.	78	112	—	190
Green Oranges, 40,100	16	44	—	60
Eggs, 3,800	32	—	—	32
Fowls, 198 dozen	298	58	—	356
Geneva, 40 Gallons	16	6	—	22
Gun Powder, 225 lbs.	—	18	—	18
Hams and Dried Fish, 175 pieces	18	9	—	27

Articles Exported.		Estimated Value in Pounds Sterling.			
Description and Quantity.		To Great Britain.	British Colonies.	Foreign States.	Total.
Hay, 27,800 lbs.		40	84	—	124
Horses, 9 Head		—	140	—	140
Live Stock, 323 Sheep and 46 Pigs		32	69	—	101
Oil, Paint, 36 Gallons		9	—	—	9
Oil, Whale, 230 Gallons		14	7	—	21
Paint in Oil, 13 Kegs		12	—	—	12
Paper, 5 Bales		—	50	—	50
Pitch and Tar, 7 Barrels		14	—	—	14
Potatoes and Onions, 196 Muids		83	53	—	136
Rice, 20 Kegs		12	10	—	22
Rope, 38 Coils		114	—	—	114
Skins, 178 pieces		50	—	—	50
Soap, 320 lbs.		8	4	—	12
Sugar, 22 Bags		32	6	—	38
Tea, 1,960 lbs.		15	279	—	294
Tigers, 1 Head		10	—	—	10
Wine :—					
Cape, 136 $\frac{3}{4}$ Pipes		490	986	—	1,476
Madeira, Port, Claret, and Sherry,					
102 dozen		163	45	—	208
Wood, 115 Loads		74	42	—	116
Vegetables, 66,914 lbs.		13	236	—	249
Simon's Town		2,431	4,873	—	7,304
Cape Town		145,221	49,325	16,953	211,499
Total Value of Exports		147,652	54,198	16,953	218,803

[Original.]

EXCHANGES, MONIES, WEIGHTS AND MEASURES.

COINS.

His Majesty's Government having established the British Currency as the circulating Medium of this Colony, and having directed that British Silver money shall be a legal tender in discharge of all Debts due to Individuals, and to the public at the rate of one shilling and sixpence for each paper Rixdollar, and so in proportion for any greater or less sum, the value of the Rixdollar formerly the only currency in the Colony has accordingly been fixed at that rate, by Ordinance of His Excellency the Governor in Council bearing date 6th June 1825.

AMOUNT OF COIN IN CIRCULATION.

Silver Money introduced in 1825 amounted to	£40,000	0	0
Copper Do. " " " "	2,000	0	0
Silver Do. " " 1826 " "	19,799	19	6
Copper Do. " " " "	1,005	0	0
Silver Do. " " 1827 " "	40,000	0	0
Copper Do. " " " "	225	0	0

PAPER CURRENCY IN CIRCULATION.

The Paper Currency in Circulation consists of Rixdollars of which there are about Rds. 3,093,204, and previously to the publication of the Ordinance fixing the value of the Rixdollar at 1s. 6d. its Security depended upon the territorial Possessions of the former Dutch East India Company.

COURSE OF EXCHANGE AT DIFFERENT PERIODS OF THE YEAR.

Previously to the 6th of June 1825 the Exchange between this Colony and Great Britain was chiefly regulated by the average rate at which the Commissary General disposed of his Bills on the Lords Commissioners of His Majesty's Treasury. In negotiating Bills upon the Treasury the Commissariat grant the same at the fixed rate of a Bill of £100 for every £103 of Silver Money.

ACCOUNTS KEPT IN.

Up to the end of the year 1825, Accounts were kept in Rixdollars of Eight Skillings, each Skilling being equal to six Stivers, rendering the value of a Cape Rixdollar 48 Stivers Currency.

All Accounts are now rendered in British money.

WEIGHTS.

The Weights used in this Colony are of the Dutch Standard of Amsterdam, and consist in lbs. (Pounds) of 16 Ounces or 32 Loot each.

The Proportion generally made use of here in comparing Dutch with

English Weight is 92 lbs. Dutch to 100 lbs. English Avoirdupois. The true proportion however is considered to be $91\frac{80}{100}$ lbs. Dutch to 100 lbs. Avoirdupois. The pieces of Weights in use admitted to be assized are from 50 lbs. down to $\frac{1}{32}$ lb. or 1 Loot, $\frac{1}{2}$ ounce.

MEASURES.

LIQUID MEASURE.

A Leager	is equal	to	152	Gallons	English.
„ half Do.	„	„	76	„	„
„ Pipe	„	„	110	„	„
„ half Pipe	„	„	55	„	„
An Aum	„	„	38	„	„
half Do.	„	„	19	„	„
An Anker	„	„	$9\frac{1}{2}$	„	„
half Do.	„	„	$4\frac{3}{4}$	„	„

There is no fixed proportion between Gallons and the Bottles commonly in use here, the latter being of different sizes, but generally a Gallon is reckoned to be equal to $4\frac{1}{2}$ Bottles.

CORN MEASURE.

A Load is equal to 10 Muids.

Muid „ „ 4 Schepels.

107 Dutch Schepels (Bushels) equal to 82 Winchester Bushels.

CLOTH MEASURE.

1 Ell is equal to 27 Inches Rhineland.

1 Yard „ „ $34\frac{85}{100}$ Inches Do.
or 36 Inches English.

The Proportion between Dutch Ells and English Yards is generally taken at

3 Yards to 4 Ells but the real proportion is

100 Yards to $132\frac{51}{100}$ Ells Dutch.

LAND MEASURE.

One Morgen is equal to 600 Square Roods Rhineland.

One Rood „ „ 144 Square feet.

One Foot „ „ 144 „ Inches.

In the measurement of Land in this Colony the Rhineland Standard has been introduced. A Morgen is generally reckoned equal to 2 acres English, but the true proportion is considered to be $49\frac{71}{100}$ Morgen = to 100 English Acres.

Colonial Office, Cape of Good Hope.

(Signed) JOHN BELL, Acting Secretary to Government.

[Copy.]

Letter from SIR RICHARD PLASKET to the Clerk of the Council.

SANS SOUCI, 1st January, 1828.

SIR,—I have read your letter of yesterday's date, and regret that I cannot admit the distinction drawn by the Council, and certainly His Majesty's instructions, in regard to the confirmation of the proceedings of Council, do not admit anything of the kind.

You state it to be the opinion of Council that the particular orders alluded to (as excepted from the general rule) having been "*read over and confirmed*" are strictly "formal."

I cannot bring to my recollection any instance of such expression, as "read and confirmed" having been used in Council, nor do I think you will find any such on the Minutes, except after the regular confirmation at the subsequent meeting.

I am well aware that when a Resolution of Council is amended, the amended copy alone is published; but I am not asking for this document to publish.

I am asking for it as a Member of Council present at the original Resolution, and for the sole purpose of submitting that Resolution, with its subsequent amendment, to His Majesty's Secretary of State, who has a right to be made acquainted with the individual opinions as well as differences in Council, when any member feels himself aggrieved, and if the draft of the original Resolution is neither to be recorded on the Minutes, nor a copy given to the Member feeling himself aggrieved, the Secretary of State must be debarred from knowing what actually took place.

I therefore think, with all due deference to the Lieutenant Governor in Council, that my request has been refused on the plea of forms, which, even if correct, are not applicable to this particular case.

Requesting you will, with the Lieutenant Governor's permission, submit this letter for the information of Council,

I have &c.

(Signed) R. PLASKET.

The Clerk of the Council.

[Original.]

Letter from J. T. BIGGE, ESQRE., to R. W. HAY, ESQRE.

MAURITIUS, 4th January, 1828.

SIR,—I had the honor to receive your letter dated 30th May 1827 which was forwarded to me from the Cape of Good Hope by Major-General Bourke, and in which you state that after having communicated to Viscount Goderich the contents of my letter of the 14th March his Lordship had directed you to signify to me that although there was no objection to my proceeding to Mauritius to confer with Major Colebrooke and Mr. Blair upon the subject of Inquiry which has occupied my attention since their departure from the Cape, yet that as the Commission under which I acted was necessarily revoked in consequence of my resignation of the office that I held in it, it was no longer in the power of Viscount Goderich to promote the wish I had expressed to postpone availing myself of His Majesty's acceptance of it.

While I cheerfully concur in the reason assigned by his Lordship for declining to accede to my request, I beg leave to assure you that my only reason for making it arose from the probability that I foresaw of my colleagues being obliged to return to the Cape in case I should be prevented from giving my attention to several subjects of Inquiry which were unfinished at the period of their departure from it. By my removal to this place I have had the advantage of their coöperation and judgment without occasioning any material interruption to the subjects of inquiry in which they are so deeply engaged, and as Lord Bathurst in his despatch of the 29th November 1826 was pleased to convey to me His Majesty's gracious approbation of my determination to complete the Reports of the Commission, I have thought it right to subscribe my name to those which have been transmitted since that period, and shall continue to add it to those which are now in preparation, with an understanding that if such a course should be deemed irregular or informal no objection will exist on my part to my signature being cancelled. I have &c.

(Signed) JOHN THOMAS BIGGE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. FAIRBAIRN, ESQRE.

DOWNING STREET, 9th January 1828.

SIR,—I am directed by Mr. Secretary Huskisson to acknowledge the receipt of your letter dated the 20th of October last complaining of the suppression of the Newspaper called *The South African Commercial Advertiser*.

Upon an attentive consideration of the various documents and correspondence connected with this case, Mr. Huskisson finds no reason to think that the revocation of Mr. Greig's license was either illegal or unjust. In December 1823 Mr. Greig expressly and voluntarily bound himself, in terms of his own selection, to exclude from his publication "all personal controversy, however disguised, or the remotest discussion of subjects relating to the policy or the administration of the Colonial Government." In March 1825 he resumed the undertaking upon a distinct and repeated explanation that he would be holden to the terms of this engagement. In May 1826 Mr. Greig published in his newspaper a statement directly relating to a subject of "personal controversy," and impugning in the strongest terms the policy and administration of the Colonial Government. This statement did not purport to be a quotation from any other publication, and there is every reason to believe that Lord Bathurst considered it to be an original composition.

For the present purpose Mr. Huskisson does not consider it necessary to express any opinion upon the propriety or impropriety of the restrictions to which Mr. Greig subjected himself by the terms of his own Prospectus. It is sufficient to say that those conditions were violated in the most unequivocal manner, by the paragraph published in the *South African Commercial Advertiser* on the 24th of May 1826.

With respect to the revival of this newspaper, Mr. Huskisson entirely disclaims any wish or intention of permanently interdicting either to Mr. Greig or yourself the prosecution of your business as Editors and Proprietors of a public journal. But if either you or Mr. Greig propose to resume that business, you will, in common with all inhabitants of the Colony, be subject

to such laws as already exist or as may hereafter be established for the regulation of Newspapers. I have &c.

(Signed) R. W. HAY.

[Original.]

Letter from MAJOR COLEBROOKE and MR. BLAIR to
R. W. HAY, ESQRE.

MAURITIUS, 10th January 1828.

SIR,—Mr. Bigge having allowed us to peruse a letter which he has addressed to you in explanation of his reasons for having signed with us the report upon the Criminal Law of the Cape and requesting that his name should be left out if it should appear to the Secretary of State objectionable after the acceptance of his resignation, we are desirous of explaining to you that when Mr. Bigge proposed to us to sign the Report which he had drawn up in accordance with our united opinions upon the several matters contained in it we declined to do so, unless it should be also signed by himself, considering that the Inquiries in which he had taken a principal part, and the proposals founded on them ought not to be submitted for approval without his concurrence and sanction testified by his signature. In the same view we are induced earnestly to request that Mr. Huskisson will be pleased to authorize the name of Mr. Bigge to be retained to this report, and to all others which may in future be transmitted upon the subjects comprehended in our Inquiries at the Cape. We have &c.

(Signed) WILLIAM M. G. COLEBROOKE,
W. BLAIR.

[Original.]

*Letter from J. FAIRBAIRN, ESQRE., to the RIGHT HON.
WM. HUSKISSON.*

14 BUNHILL ROW, FINSBURY, *January 14th 1828.*

SIR,—In a letter from Mr. Hay dated the 9th of this month, which I have the honor to acknowledge, in reply to mine dated 30th October last on the subject of the press at the Cape of Good Hope, I am informed that Mr. Huskisson entirely disclaims any wish or intention of permanently interdicting either to Mr. Greig or myself the prosecution of our business as editors and proprietors of a public journal, but that if we resume that business we will in common with all the Inhabitants of the Colony be subject to such Laws as already exist or as may hereafter be established there for the regulation of Newspapers.

In reply I beg to say that I never wished for exemption as an Individual from the operation of existing laws, however much I might desire to see them improved, and that I have no fear that any regulations will be imposed on the Press at the Cape by Mr. Huskisson unworthy of the high character he sustains in this country and among foreign nations. But it cannot be dissembled that severity has characterized the acts both of the Local Government and of the Colonial Office towards that unfortunate Colony, and that in the instance of the Press ruin has been too unsparingly laid on the heads of those who attempted to introduce into the public mind British thoughts and British feelings. The facts to which Mr. Greig alludes that the Newspaper Press was prohibited from indulging in the “remotest discussion of subjects relating to the policy or the administration of the Colonial Government” and that Mr. Greig’s earnest entreaty that those dangerous words might be omitted or softened was peremptorily rejected by Lord Bathurst, clearly evince the spirit of that policy and of that Administration. Under that policy and that administration the currency had depreciated seventy-five per cent, town and country had been darkened by bankrupts, the English Settlement all but irrecoverably ruined, the Treasury exhausted

by an unaccountable waste and misapplication of money, the rights of Individuals daily and openly violated, and transportation, imprisonment, and Political Removal promptly inflicted when a complaint or remonstrance was breathed in public or in private. Sir, these things are no reproach to you as a man, the world knows and acquits you, but it must not be forgotten that you were then in the Cabinet, and that you are now in an office from which we look for redress.

With respect to the renewal of our Newspaper, I am satisfied with the declaration of your wish and intention, and I purpose to sail by the first vessel that leaves this country for the Cape, provided you will say that on my arrival at the Cape I shall without question be permitted to resume "our business." This, Sir, you will be pleased to observe is not distinctly stated in Mr. Hay's letter, although I have no doubt such was your meaning.

Eleven months have nearly elapsed since the gentlemen of the Cape have been deprived of the Press, of which they approved and which they thought might have done them and their families much good. I cannot see how a Colonial Minister can hold this subject longer in suspense. At least, Sir, I hope that the length of time I have been detained in England, the great losses I have sustained in this most distressing case, together with the anxiety expressed by the Inhabitants of the Cape for my speedy return, will excuse my pressing for a decisive answer. A vessel leaves the River for the Cape on Sunday next, in which I purpose to take my passage if I receive your favorable answer before Wednesday.

I have &c.

(Signed) JOHN FAIRBAIRN.

[Original.]

*Letter from J. FAIRBAIRN, ESQRE., to the RIGHT HON.
W. HUSKISSON.*

14 BUNHILL ROW, FINSBURY, 22nd January 1828.

SIR,—The merchants and others resident in London connected with the Cape of Good Hope had resolved to present to you the inclosed Memorial respecting the suppression of the *South African Advertiser*, but on learning that I had received Mr. Hay's letter of the ninth of this month they thought it unnecessary to continue the subscription, and requested me to convey it to you as a testimony of their sentiments and wishes on the case to which it relates. It is already signed by the most respectable mercanti'e houses in the City interested in the Cape Trade, and by many whose high character and long residence in the Colony render their opinion very valuable.

I have &c.

(Signed) JOHN FAIRBAIRN.

[Original.]

Memorial of Merchants and Agents in London.

To the Right Honorable William Huskisson, His Majesty's principal Secretary of State for the Colonies, &c., &c., &c.

The Memorial of the undersigned Merchants, Agents and others resident in London, interested in the Trade, Agriculture, and general welfare of His Majesty's Colony of the Cape of Good Hope, Respectfully Sheweth,

That your Memorialists have long observed with deep regret that the line of policy pursued under the late Government of this Colony tended inevitably not only to check its progress but to place its unfortunate inhabitants in that state of Commercial and general depression to which they are now reduced.

It is not however the intention of your Memorialists to repeat the grievances which have already formed the subject of various unanswered addresses from the Colonists themselves.

The particular case to which our correspondents earnestly beg our attention is one of recent occurrence, affecting every class of the Community and involving not only the commercial prosperity of the settlement but the moral and intellectual improvement of all classes.

In the year 1824 shortly after the arrival of His Majesty's Commissioners of Inquiry a weekly Newspaper entitled the *South African Commercial Advertiser* was established in Cape Town.

Its Columns were open to a temperate discussion of various subjects relating chiefly to the Commerce and Agriculture of the Colony, with such extracts from books and foreign papers as were likely to prove interesting or instructive to a widely scattered population. It was also peculiarly useful as a medium for mercantile advertisements, for the insertion of which an exorbitant charge had up to that period been made by the *Government Gazette*.

After eighteen numbers of this paper had been issued, it was suppressed by the late Governor Lord Charles Somerset; and the printer and proprietor Mr. George Greig was commanded to leave the Colony without the form of a Trial. His presses and type were also seized by the same authority. This exercise of power connected with the peculiar circumstances of that period threw a gloom over the whole Colony, which was in some degree relieved by the intelligence that Mr. Greig had obtained redress from Lord Bathurst with permission to return and continue the publication of his Paper at the Cape, with the addition of having the expenses of his voyage defrayed, and the promise of certain indulgences with respect to his property.

The *Commercial Advertiser* being thus again established in the year 1825 obtained a very extensive circulation, and became an object of the warmest interest, and so sensible were the colonists of the value of such an organ of communication and instruction that at the close of 1826 a Petition was forwarded to Parliament signed by upwards of 1600 of the

most respectable Inhabitants praying that the blessing of a Free Press might be secured to them.

It was not without the greatest surprise and regret therefore that early in the following year 1827 the Inhabitants of the Cape again witnessed the suppression of the *Commercial Advertiser*, and found themselves at a moment when apprehension on the subject had left their minds suddenly deprived of the services of the Press. They had hoped that the quiet state of the Settlement, their loyal and peaceable character, and their protracted sufferings under an injudicious and ill-informed local Government, in conjunction with their respectful Memorials and Petitions on this subject would have protected them against so unmerited, so severe, and so humiliating a blow. And they felt it the more as the reason assigned for this arbitrary interference was the extracting of a paragraph from an English Newspaper (the *Times*) which in England, where it originally appeared, had not been deemed sufficient to authorize the slightest legal animadversion, thus shewing the immense and degrading distinction assumed to exist between British Subjects at the Cape and British Subjects in a Country governed by Law.

Being thus deprived of the Press and prohibited from holding public Meetings, and consequently being unable to collect the opinions of the Community or of expressing them as a body, the Inhabitants adopted the only method remaining of recording their sentiments, and on the Editor of the *Commercial Advertiser* announcing his intention to leave the Colony in the course of a few days they addressed to him a letter in which they state their concern and regret at the suppression of his paper, as being an incalculable loss to the Colonists in general, and taking the whole Colony to witness that the principles of loyalty, morality, and good order had been constantly maintained and enforced by him, they express their conviction of the impartiality and fairness with which he had performed the most painful parts of his duty as Editor, and earnestly trust that he may once more be enabled to resume the Editorship of the *Commercial Advertiser*, repeating that they regard the loss of it as prejudicial to the best interests of the Colony.

A Petition to the same effect was drawn up, and after

receiving as many signatures as the shortness of the time would permit, it was forwarded to Parliament and presented by Mr. Alexander Baring last Spring.

The same views were entertained by the Merchants residing at the Cape, and the Committee of the Commercial Exchange at a Meeting held on the 14th of March, 4 days after the suppression of the *Advertiser*, resolved unanimously that Mr. Fairbairn the Editor of the *Commercial Advertiser* should be requested to become an honorary Member of the Commercial Exchange as a mark of the high sense entertained by the Committee of the advantages derived by the mercantile Community in particular, and by the Inhabitants of the Colony generally, from the establishment of that Journal and from the able and independent manner in which it had been conducted by him, concluding with a hope that the justice of His Majesty's Ministers, by the establishment of a free Press, will enable him speedily to resume his labours among them, the suspension of which is regarded by them as a public calamity.

Participating fully in these sentiments, and deeply impressed with the importance of the subject to the prosperity of the Colony with which we are intimately connected, your Memorialists earnestly beg to call your attention to an early consideration of this Subject.

In the present state of the Colony when mercantile affairs and mercantile credit are at a lower ebb than they have ever been since it came under the dominion of His Majesty, we find it peculiarly hard to be deprived of the means of obtaining correct information through the medium of an independent and impartial Journal, and to be thus compelled to act at such a crisis on floating rumours, or the representations of interested Individuals.

This deplorable state of things has continued for upwards of 8 months, during six of which the Editor of the *Advertiser* has been in London, endeavouring to obtain from the Colonial Department a decision on his case, but without success. Being equally anxious with our friends at the Cape that they should be again restored to the enjoyment of a privilege of which they have been so long deprived, we beg to express a hope that the claims of the Colonists and British Merchants connected with them will receive from you, Sir, an early and

favorable consideration, and that the Editor and Proprietors of the *Commercial Advertiser* may be permitted again to establish that Journal at the Cape.

And your Memorialists will ever pray &c.

WM. BORRADAILE SONS &	HARPER & BELL
RAVENHILL	ROBERT EEDES
COLLISON STARKEY & Co.	HALLING & CARTER
THO. SIMPSON & Co.	LEACH & BROADBENT
P. HOME	JAMES BAXTER
JAMES CARFRAE	SANGSTON SONS & GUNNIS
DANL. JONES	JOHN PIRIE & Co.
WM. VENNING & Co.	THOMAS LESTER
JOHN FOULGER	WILLIAM GREIG
H. E. RUTHERFOORD	JOHN DAWSON & Co.
R. W. EATON	N. WEEKES
JOHN CAMPBELL	C. & H. MAYNARD
THO. PRINGLE	LAWCE. SWAINSON
JOHN PHILIP	MILES SWAINSON
SAML. FOULGER	C. VAN RENEN
R. HARRIES	SAMUEL BAILEY
DYSTER & NALDER	ALFRED KNIGHT
JAS. SUTHERLAND	SAML. RUTHERFOORD
ALEX. SINCLAIR	GEORGE MOUNT
CHAS. HOME	ALEX. THOMSON
M. ARNOLD & WOOLLETT	COOKES & LONG
THOS. WATKINS	ROBT. BUCK
ALEXR. McMATH BONHAM	HUGHES & BIGGERS
ROBERT JOHN GORE	BLYTH INGLIS & Co.

London, January 22nd 1828.

[Original.]

Letter from JOHN FAIRBAIRN, ESQRE., to R. W. HAY, ESQRE.

14 BUNHILL ROW, FINSBURY, *January 24th 1828.*

SIR,—I waited upon you yesterday at the Colonial Office for the purpose of putting into your hands a memorial for the

Secretary of State from the Merchants in the City and others connected with the Cape of Good Hope, respecting the suppression of the *Commercial Advertiser*, and also to request the favor of an explanation of the last paragraph in your letter of the 9th instant in reply to mine of the 20th October, but as you were engaged at the time, I sent in the Memorial by the Messenger, and I now beg to state the difficulty I am placed in by the paragraph alluded to.

It is there stated that Mr. Huskisson entirely disclaims any wish or intention “*permanently to interdict* either to Mr. Greig or myself the prosecution of our business as Editors and Proprietors of a public Journal.” Under this phrase I am afraid it is open to Government at the Cape to object that Mr. Huskisson has not yet removed the Restriction, and that another reference to Downing Street will be required before we can be permitted to resume the publication of our journal. The delay occasioned by such an appeal would be fatal to our interests, and I earnestly hope that the Secretary of State will take into consideration the length of time which has already elapsed since the suppression of the Newspaper, and the great losses we have been made to sustain, and that you, Sir, will have the goodness to move Mr. Huskisson to state whether it is his intention that on my arrival at the Cape, or at what other period, the restriction is to be withdrawn.

I have &c.

(Signed) JOHN FAIRBAIRN.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. FAIRBAIRN, ESQRE.

DOWNING STREET, 25th January 1828.

SIR,—I am directed by Mr. Secretary Huskisson to acknowledge the receipt of your letter of the 22nd instant and of the memorial therein enclosed respecting the suppression of the *South African Advertiser*. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from the RIGHT HON. W. HUSKISSON to
J. FAIRBAIRN, ESQRE.*

DOWNING STREET, 26th January 1828.

SIR,—I do not feel myself called upon to make any observation upon the several topics connected with the local Administration of the Colony of the Cape of Good Hope adverted to (as it appears to me unnecessarily) in your letter of the 14th Inst.

The only part of that letter which requires an official answer is that in which you state “that you propose to sail in the first vessel which leaves this Country for the Cape, provided I will say that, on your arrival at the Cape, you shall, without question, be permitted to resume your business.” I do not exactly understand what you mean by “being permitted to resume your business without question,” nor do I conceive it necessary to ask for an explanation of your meaning. My intention is simply this, that before you resume the publication of a Newspaper, you should comply with whatever order may be in force at the Cape for the regulation of that Branch of the Press, and that you should engage to conduct that Newspaper in conformity with the rules prescribed. Nothing more would be exacted from you in this respect than, under the same regulation, would be required from any other Editor of a similar Publication in that Colony; and, I am sure, you cannot expect that the local Government should be instructed to relax that regulation specially in your favour. I have &c.

(Signed) W. HUSKISSON.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. FAIRBAIRN, ESQRE.

DOWNING STREET, 26th January 1828.

SIR,—I have received your letter of the 24th instant, and have, according to your desire, submitted the memorial which

it enclosed to the consideration of the Secretary of State. I presume that the letter of this date, which has been addressed to you by Mr. Huskisson, will render an explanation of the last paragraph of my letter of the 9th instant unnecessary, and

I remain &c.

(Signed) R. W. HAY.

[Original.]

*Letter from J. FAIRBAIRN, ESQRE, to the RIGHT HON.
W. HUSKISSON.*

14 BUNHILL ROW, FINSBURY, LONDON, *February 18th 1828.*

SIR,—Having been informed by your letter of the 26th January that I shall be permitted to “resume the publication of a newspaper at the Cape of Good Hope on complying with whatever order may be in force at the Cape for the regulation of that branch of the Press,” I now beg to draw your attention to the Terms on which the *Advertiser* was resumed after its first suppression in 1824, the ground alleged for cancelling the licence in 1827, and the amount of the loss sustained by the Proprietors up to June 1828, the earliest period at which the publication of that paper can be resumed.

The terms on which the publication of the *Advertiser* was resumed after its first suppression in 1824 are not contained in the Prospectus alone. In the correspondence which passed between Mr. Wilmot Horton and Mr. Greig in March 1825, it was distinctly stated by Mr. Horton, first in an official letter dated the 7th March that “It must rest with the Governor in Council to decide whether you (Mr. Greig) violate your compact, and if, after being warned of your having exceeded the prescribed limits, you should, in the opinion of the Governor in Council disregard such an admonition, your License will be withdrawn,” and secondly on the 11th March that “you (Mr. Greig) have been already informed that the Governor in Council of the Cape of Good Hope will be responsible for any act of suspension of your License,”

and again on the 18th March that "you have been informed that it will be left to the Governor in Council to decide on your adherence to your Prospectus, and that they will incur the responsibility of an erroneous decision." These repeated declarations were obtained by Mr. Greig as part of the "compact" mentioned by Mr. Wilmot Horton before he consented, in the language of Mr. Horton's letter of the 7th March, "to relinquish all attempts to indemnify himself by other means for the disappointment which he had experienced in undertaking the publication of a Journal in the Colony without due authority." Nothing could have induced him to embark again in such an undertaking, short of a clear official declaration that the Governor in Council, and not the Governor alone, were to decide upon the question whether or not he had violated his compact. For myself it would have been the grossest imprudence to have joined in that or any other undertaking in the Colony unprotected by such a Compact, as Lord Charles Somerset had openly avowed his determination "so long as he held the reins of Government to oppose and thwart everything in which Mr. Pringle or Mr. Fairbairn were engaged, no matter what it was." In consequence of this declaration, which we had an opportunity of verifying by evidence before His Majesty's Commissioners of Inquiry, I had relinquished all my pursuits and retired into the Country to await the issue of the investigation of the Commissioners, which has since terminated in his Lordship's resignation. For I could have no doubt that his Lordship would in this instance have kept his word, as he had declared that his personal hostility to Mr. Pringle and myself was his reason for prohibiting the formation of a Literary Society and Museum of Natural History, which we had projected, of which Society the Chief Justice of the Colony and sixty others, the most respectable Inhabitants of Cape Town, had requested the honor to be enrolled as Members. From this I clearly saw that any undertaking of mine, however laudable, without some such guarantee as the "Compact" alluded to, would end in disappointment and loss. It was entirely on the faith of the "Compact" therefore that I joined Mr. Greig in resuming the *Advertiser* on his return in 1825.

That the Official Correspondence which I have quoted was considered by Lord Bathurst himself as supplementary to and

explanatory of Mr. Greig's Prospectus, I am enabled to produce a direct proof. In January 1826 I announced the Publication of a new Periodical Work, of which I was the sole Proprietor as well as Editor. On the appearance of the first number I was ordered by Government either to discontinue the work or to bind myself to adhere to the terms of Mr. Greig's Prospectus. Being aware that Mr. Horton's Correspondence referred only to the newspaper in which Mr. Greig was concerned, I saw that the guarantee did not extend to any separate work. I therefore dropt the work and appealed to Lord Bathurst, who stated in his reply addressed to the Governor in Council that "it never was his intention that any other than Mr. Greig should be required to adhere to the terms of that Prospectus."

On the second point, namely, the alleged grounds on which the License of the *Advertiser* was cancelled, a short statement of facts will suffice. Lord Charles Somerset, then in London, writes to Lord Bathurst that a statement of a false and calumnious nature has appeared in the *South African Advertiser* of May 24th 1826, and his Lordship immediately directs the Lieutenant Governor to cancel the License, which is done accordingly, and the whole property embarked in the Paper is in a moment annihilated. The Paper was thus ordered to be suppressed on the representation of the Governor alone, without a reference to the Governor in Council, and for a paragraph which had been published before any warning had been given, being in both particulars in direct opposition to the guarantee three times repeated in the course of eleven days by Mr. W. Horton, in the name of Lord Bathurst. We complain of this, because we can prove that had the line of proceeding drawn by Lord Bathurst been observed, our License would not have been cancelled. For His Honor in Council would have been aware that the License could not be cancelled unless a warning had been given, and, subsequently to this admonition, some fresh violation of the "Compact" had been committed by us; they would also have known that the statement was not false and calumnious, that neither the peace nor safety of the Colony were endangered by it, and that it was a Quotation without alteration or comment from the *Times Newspaper*. This appears evident from the fact that the publication of the

Advertiser received no interruption from them for ten months after the appearance of the "statement," when it was stopped, not by them, but by Lord Bathurst on the representation of Lord Charles Somerset.

With respect to the statement being a quotation, I cannot but express my surprize that this fact should have escaped the observation both of Lord Bathurst and yourself. The three columns and a half of extracts printed in small type, of which it forms a part, are introduced as usual thus: "Extracts from the English Papers," and these words are in Black Capital Letters of a peculiar form, for the purpose of catching the eye. Yet, in Mr. Hay's letter to me, dated January 9th 1828, he says "This statement did not purport to be a quotation from any other Publication, and there is every reason to believe that Lord Bathurst considered it to be an original composition." Had our case been left to the Governor in Council at the Cape, who saw and read the Paper, this mistake could not have operated against us.

Taking into account these and many other facts, with which I trust it will not be necessary to trouble you, I now submit that the Proprietors have a claim on your consideration for the losses they have sustained by the suspension of their Paper. I have, therefore, annexed a Statement of the amount of loss, namely, the sum of one thousand eight hundred and forty-four pounds eight shillings and four pence; and (in Annexure D) on the authority of the Report of the Commissioners of Inquiry, I have pointed out a fund from which this sum may be drawn without trenching on the present revenues of the Colony. I have &c.

(Signed) JOHN FAIRBAIRN.

(It cannot be necessary to give the accounts showing the loss of £1,844 8s. 4d., which form Annexures A, B, and C to the above letter. They include estimated losses of profit on the paper, travelling expenses, and cost of long detention in London.)

Annexure D.

In the years 1813-14 Lord Charles Somerset drew from the

Colonial Treasury and applied to his own private use the sum of Rixdollars 22,446. And in the year 1825 he was compelled to refund the same. But in 1813-14 the Rixdollar was equal in value to *two shillings and six pence* sterling, in 1825 it was worth only *one shilling and six pence* sterling. The account therefore stands thus :—

Drawn erroneously from the Treasury in the years 1813-14		
Rixdollars 22,446 at 2s. 6d. per Rixdollar		£2,805 15 0
Interest thereon at 6 per cent for 12 years.		2,020 2 9
	Total Debt	£4,825 17 9
Repaid in 1825 Rixdollars 22,446 at 1s. 6d. per Rixdollar . .		1,683 9 0
	Balance due to the Treasury	£3,142 8 9

[Original.]

Letter from MAJOR COLEBROOKE and MR. BLAIR to
R. W. HAY, ESQRE.

MAURITIUS, 30th April 1828.

SIR,—With reference to our letter to Mr. Huskisson of the 21st Instant, we consider it our duty to apprise you of the wish that has been expressed to us by our Chief Clerk Mr. Mackrill to return at the end of the present year to the Cape of Good Hope, where he left his family to accompany us at a moment when his services were of peculiar importance to us from the necessity we were under of leaving our Secretary Mr. Gregory to assist Mr. Bigge with the business which remained unfinished at the period of our departure.

Having stated in former communications the qualifications of Mr. Mackrill, it is unnecessary that we should explain the inconvenience we should experience from his departure without making provision for the execution of the business which from his competency and discretion we have been able to entrust to him, and as we could not expect to find any person in these Colonies calculated for the situation, we beg leave to express our wish that Mr. Huskisson would be pleased to sanction the nomination in England of an efficient clerk, who should be sent out to succeed Mr. Mackrill, and we are very

desirous that the person selected should be experienced in official business and able to write a good hand. We have &c.

(Signed) W. M. G. COLEBROOKE,
W. BLAIR.

[Original.]

Letter from MAJOR COLEBROOKE and MR. BLAIR to
R. W. HAY, ESQRE.

MAURITIUS, 30th April 1828.

DEAR SIR,—On the occasion of Mr. Mackrill's proposed return to the Cape of Good Hope we feel it no more than just to recommend him very earnestly to the favorable consideration of Mr. Huskisson, as a Person extremely well qualified for the public service of that Colony, both from his experience in official business, as well as his intelligence, assiduity, and general knowledge of the affairs of the Cape and his acquaintance with the Dutch language.

We take this opportunity of explaining that Mr. Mackrill is an Englishman, and the son of Dr. Mackrill, who was employed at the Cape of Good Hope till the period of his death, and as we were induced to engage him on our arrival there in 1823 in consequence of the strong recommendation we received in his favor from persons of great respectability in the Colony, we have had ample reason during the last 5 years to be assured of his discretion under circumstances of great delicacy, as well as of his zealous application to the duties of his office.

We beg to remain &c.

(Signed) W. M. G. COLEBROOKE,
W. BLAIR.

P.S.—It may be right for us to add that Mr. Mackrill has served for more than six years as a Clerk in the Purveyor's Department at the Cape until the termination of the war when that Establishment was reduced.

[Original.]

Report of the Commissioners of Inquiry to the RIGHT HONOURABLE WILLIAM HUSKISSON upon the Police at the Cape of Good Hope.

MAURITIUS, 10th May 1828.

SIR,—In submitting to you our observations upon the regulations of Police at the Cape of Good Hope, we shall arrange them under the general division of Preventive and Correctional Police, which will include the apprehension and custody of the prisoners, the state of the gaols, the mode of employing convicts, the public pounds, the control of the public markets, and of houses licensed for the sale of spirituous liquors, and regulations made for the safety and salubrity of the towns; and as we proceed in our review of these subjects we shall subjoin to each a recommendation of such alterations as we have considered to be expedient.

Independent of that general superintendence which appertained to the Fiscal by virtue of his instructions, and by which he or his deputies or the Landdrosts in the districts by virtue of their instructions were authorized to initiate proceedings for the prevention or investigation of crime, they seem to have possessed by law no positive or original powers of imprisoning suspected persons, except under the sanction of a competent court and except in cases of persons apprehended in flagrante delicto, of their being below the rank of Burghers, or in cases of emergency not admitting of delay. Complaints and informations of crimes and misdemeanors are addressed in all instances either to the Fiscal, or to his deputies in Cape Town, or to the Landdrosts in the country districts, whose duty it is to proceed without delay in causing the declarations of witnesses to be judicially taken, and if necessary to be preceded by inspections. If the offences charged consist only of such as are punishable by corrections in prison, fines, or temporary imprisonment, apprehension of the person is not deemed necessary, nor is bail required, but the party is only summoned to appear personally, whenever the prosecutor thinks proper, upon giving 24 hours' notice of trial. The inconvenience and delay arising from this distribution of the

business of preventive police, and the tediousness of the forms required in judicial inspections, have been noticed by us in another place, as well as the contrast which some cases presented to the rapidity and precipitation which was observable in others. Independently of the communications to the Fiscal, which were required from the Landdrosts, of crimes committed within their districts, daily returns were made to him and to one of his deputies charged with the more active duties of police by the gaoler, who is designated as "Under Sheriff," setting forth the commitments and releases of prisoners made on the preceding day, their names, crimes, and the names of the persons by whom they were committed or delivered into custody.

After taking a summary note or description of each case, the Deputy Fiscal summoned witnesses for his own information, and either submitted the case in that state to the Fiscal, or caused evidence to be taken judicially, or if it was one which he considered to require only correctional punishment, transferred the case to the first clerk of the Fiscal, who issued a summons for the personal appearance of the defendant, and if the case was one of personal injury and not found to be susceptible of amicable adjustment, it was brought before one Commissioned Member of the Court of Justice, or according to more recent practice before the Sitting Commissioner. In these last cases, however, the investigations before trial are of a very imperfect nature, consisting of memoranda made by the Landdrost or the deputy fiscal in their journals, and we need hardly add that they are not taken upon oath. On the other hand, as neither the parties informing nor the person summoned are bound over to appear on a certain day, the speeding of the trial depends on the activity of the fiscal's clerk, who is only bound to give 24 hours' notice of trial.

We think that in the whole of this practice there was great laxity. We certainly have been impressed with an opinion that the distribution of the business of Preventive Police amongst so many functionaries ought to have led to a more prompt despatch of it than we generally observed to prevail, but we always found it difficult to fix the responsibility of delay, where it had occurred, upon any one individual of the department, although, as we understood that the distribution of the business was made by the fiscal himself, we considered

that such responsibility primarily rested with him. At the same time we should add that the uncertain attendance of the Commissioned Members of the Court of Justice in Cape Town, the difficulty of assembling Heemraden in the country, or the absence of the Landdrost and Heemraden on civil duties, were not unfrequently the causes of procrastination and interruption to the important business of taking the judicial informations.

The want of clerical assistance was also much complained of by the fiscal as well as by his deputies, which was to a certain degree augmented by the necessity of conducting some portion of the correspondence, as well as of the verbal communications, in the English language, with the use of which all were not familiar.

We must also observe that the salaries of the four clerks of the fiscal, including the first who acted as deputy fiscal, were very inadequate, and in proof of the variety of clerical duty which they were called upon to perform, we beg leave to refer to the statement made by the deputy fiscal to the Governor in the year 1826, in which we find that no fewer than thirty-seven different books or registries were kept of documents relating to the police in Cape Town.

Difficulties nearly of the same nature and arising also from similar causes have occurred in the offices of the Landdrosts of the populous districts, and especially in that of Stellenbosch.

The duties of judicial and executive police are performed in the districts of the colony by the landdrosts, deputy landdrosts, and residents, who are assisted by veld commanders, veld cornets, and veld corporals, whose titles import a certain degree of military precedence in the duties of field defence and of armed association of the inhabitants, but whose powers, as defined in the instructions of the Batavian Commissioner, are those of assistants to the Landdrosts in the divisions of the district over which he presides. They are appointed by the Governor on the recommendation of the Landdrosts, and are required to be of respectable character, to be above 25 years of age, and to be possessed of a freehold or leasehold property in the district in which they serve, and must have resided in it two years at least previous to their appointment. As the situation has been considered indispensable to the

internal administration, it cannot be declined except for good cause shown. The principal duties attached to it consist of obtaining and transmitting to the Landdrost early information of outrages or breaches of the peace, acting as coroners in cases of emergency and in places where the Landdrost cannot attend himself, apprehending strangers and persons without passes, executing contracts of service between the inhabitants and the Hottentots, and keeping lists of the former who are between the ages of 16 and 60 for the purpose of assisting in the internal defence of the colony against plunderers and invaders. It is also their duty to promulgate all ordinances and notices of the Government, and in some cases to assemble the inhabitants for that purpose, to provide for the conveyance of prisoners, and for the impressing of oxen and waggons for the use of civil and military officers who are furnished with orders from the Secretary to Government, and they are required to give their personal attendance upon the Judges of Circuit, and to afford them every facility in their journey. The whole number of the Veld Cornets amounted in the year 1825 to 158, and although it was to be expected that into a body so numerous some had found admission who were inadequately qualified for the performance of these duties, and that few were in a situation which placed them out of the reach of the influence of local power and prejudice, especially in adjusting contracts with the Hottentots and in assisting in surveys of lands, yet we have thought that their services in maintaining a communication between the Government and the inhabitants of a colony so much dispersed were not to be overlooked. The remuneration of the Veld Cornets consists of the allowance of a Loan Place or of the customary rent of one, together with exemption from payment of other taxes, which from being assessed upon the gross amount of property and produce allots the largest share of remuneration to the most opulent individuals, without reference to the extent of the service performed by them, except in the frontier districts of Graaff Reinet, Somerset, and Albany, where in consequence of frequent calls for their attendance on Commandos and in pursuit of the Bushman Tribes the sum of two hundred rixdollars or £15 sterling per annum has been paid to them out of the Colonial Treasury.

Conceiving that the principle of remuneration just alluded to was defective, although it might have the advantage of inducing a higher and more opulent class of persons to undertake the duty, and that it would interfere with the general recommendation that we made of discontinuing the system of exemption from taxes as applied to all other functionaries of the colony, we were induced to make provision in our general estimate for the stipendiary payment of the Veld Cornets at the rate of £30 per annum, leaving the question of remuneration for special services on the frontier for the consideration of the Governor and Lieutenant-Governor in their respective Councils, as they may arise, and to be viewed as charges upon the funds of both provinces for the general defence and protection of the inhabitants in which all ought to share. As the Veld Cornets have been entitled under the Instructions of 1803 to continued exemption from taxes after 25 years of honorable service, we recommend that pensions of fifteen pounds per annum should in future be substituted for it.

From the alterations which we had the honor to propose in the judicial administration of the districts, the principal communications of the Veld Cornets whom we have designated as "Constables" on account of the nearest assimilation that we could find to any English office, will be with the Judges of the County Courts, but they should also give their assistance to the Civil Commissioners in the Collection of the Revenue and in the surveys of land, and in reporting the state of the roads and bridges. In many respects the instructions to the Veld Cornets dated in the year 1803 and lately reprinted will be found applicable to their new situations, and if proper attention is paid to the spirit of those instructions and to the selection of respectable and competent persons to carry them into effect, we cannot doubt that much advantage will be experienced both by the community and the Government. We recommend that the nomination of the constables should, in future, be made by the Judges of the County Courts, and be subject to the approval of the Governor and Lieutenant Governor, and that in no instance a constable of this rank should be liable to dismissal, by either of them, except upon reasons specially assigned, and after the party complained of has had an opportunity of being heard.

In Cape Town and in the larger villages, officers named Wardmasters are appointed by the Governor out of a list framed by the Burgher Senate or Landdrosts, and they continue in office for the term of three years at least, and until they are released by the Governor. In case of their refusal to take office, the inhabitants are allowed to assign their reasons and in "the event of their being rejected and persisting in refusal they may be treated as unwilling and refractory Burghers, and be sent out of the Colony."

Their services are rendered gratuitously, but they are allowed an exemption from the payment of capitation and hearth money for one house and warehouse.

Their duties consist of keeping lists of the population of their wards, giving information of the arrival and departure of strangers, and reporting to the Burgher Senate and the Fiscal any suspicious or dangerous persons in their wards. They are charged also with the duty of preventing the accumulation and ordering the removal of dirt, nuisances and obstructions in the streets, the cleansing of gutters and drains, and of giving their attendance and calling out the slaves in case of fire.

The number of wards in Cape Town consisted of 26, but in the year 1818 was increased to 45, to each of which two wardmasters were appointed. A proposal was submitted to the Lieutenant Governor in the year 1826 by the Burgher Senate to reduce the number of wards in Cape Town to 12, and to allow a Stipend to an assistant or Messenger to each Wardmaster. Considering that the duties at present required of the Wardmasters are not very burthensome, we think that their number may be advantageously reduced to 12 upon a new division of the town into wards, the extent of which should be proportioned to the present population, with a power of appointing assistants for whom the principals should be responsible, and whose salary should not exceed £25 per annum each and varying in proportion to the population of the respective wards.

We think that the refusal to serve the office of Wardmaster, after the reasons for declining it have been rejected, should subject the Party to a fine of £25 sterling payable to the Colonial Treasury, instead of liability to expulsion from the

colony. The exemption from taxes in favor of the principals we recommend to be abolished, and as it is of importance to provide for the selection of persons for the situation of Wardmaster who possess the confidence and good opinion of their Fellow Citizens, and who are likely to be actuated by a proper sense of the duties they have to discharge, we should recommend that they should be chosen by the inhabitants of each Ward who are householders or who occupy houses under lease for any term exceeding 12 months, each person being allowed only one vote for each ward. The period of service of the Wardmasters should be three years, but they should be reëligible at the end of that term. Through the proposed aid of an assistant it may be expected that the casual obstructions to which the streets of Cape Town are liable from the wilful or accidental stoppage of the numerous ox-waggon which traverse them at all times of the day may be more expeditiously removed or corrected, but we think that the sanction of the Wardmaster should be required before any individual of free condition is brought before a magistrate for refusing to obey the assistant.

The officers employed in the executive and subordinate duties of police are the Undersheriffs or Gaolers, (of whom there are three in Cape Town) the Police Denaars, and the Caffre Constables.

Those in Cape Town are appointed by the Governor on the recommendation of the Fiscal and Deputy Fiscals, those in the country by the Landdrosts. In Cape Town and most of the Districts their pay is inconsiderable, and from that circumstance and from their having been associated in some of their duties with the Caffre constables, who generally consist of convicts of the coloured classes, the office of "Denaar" has been viewed as a degradation, which their conduct has not tended to remove. They are frequently seen in a state of intoxication, and the unnecessary degree of severity with which they conduct prisoners to gaol, especially English seamen, Hottentots, and slaves, has not received that attention from their superiors in office or from the Courts themselves which might have had an influence upon their conduct. By the Instructions for the Country Districts, the punishment of a Denaar for rough and insulting treatment to a prisoner is

the infliction of a flogging by his Brother Dienaars, but we believe that this punishment has not been often enforced, and that confinement on bread and water (a punishment easily evaded) has been substituted for it.

The Dienaars were chiefly composed of English and Foreign soldiers discharged, and amounted in the month of September 1825 to 28 in Cape Town, two of whom acted as orderlies to the Fiscal, two to each of the Deputy Fiscals, and one to the Acting Deputy Fiscal (formerly first clerk to the Fiscal). The remainder were on duty either at the Gaol or in different parts of the Town, for the purpose of preventing nuisances and riots, and attending to the conduct of the licensed victuallers' houses. They patrol the town after gunfire in parties of four and an undersheriff until 9 o'clock at night, when charge is taken by the night police, which acted under the orders of the Burgher Senate, but now under those of the Superintendent of Police.

A place of confinement for slaves and Hottentots who are apprehended for not having passes has lately been established in the Cape District on the road from Cape Town to Simon's Town, and an Undersheriff and three Police Dienaars are stationed at it.

By the instructions of 1803 six mounted orderlies called Police Riders were allowed for each district. Five horses are now kept for the use of Dienaars, Messengers, and Post Riders in the Cape District, and in most of the other districts the number has been reduced to two. At Cape Town forage is allowed for two horses which are kept at the gaol by the 1st and 2nd Undersheriffs.

The Dienaars are no longer allowed to carry swords or cutlasses, but they are always distinguished by uniforms, which vary in the different districts, and in some are needlessly expensive.

The Under Sheriffs are provided with short painted staves which they are directed to produce whenever their authority is disputed, and are allowed to carry pistols when in pursuit of or conducting prisoners.

The duty of Dienaars, as pointed out in the Instructions, consists of patrolling or attending to the prisoners in the Gaol, but they are also employed in the conveyance of verbal orders from the Fiscal or his deputies or from the Landdrosts in their

respective districts to individuals, and which they may not choose to commit to writing. These orders have in some instances consisted of summonses to appear, and in others to abate nuisances in compliance with the injunction of the Fiscal or the Wardmasters. Without being required to carry with them or to exhibit even those orders which are given in writing, the Dienaars are sent in the pursuit and apprehension of free persons, and if it should be necessary in the performance of these duties to break open the door of the house of a delinquent or of a person suspected of crime for the purpose of securing him, a decree of "criminal apprehension" would be requisite, but if he should be in the house of another it would be necessary to apply for a search warrant.

Instances, however, have occurred in which these precautions have been neglected, and especially in the apprehension of slaves in the rooms which they occupy in the Court Yards of their masters' houses.

This practice of entrusting verbal orders to such messengers in a population so variously composed as that of the Cape has tended to produce a feeling of indifference to the right of personal freedom in those who issue such orders, and a habit of negligence in those who deliver them, which has a very injurious effect. The Constables are also authorized to take into custody without orders any slaves who misconduct themselves in the streets, and to inflict personal correction if necessary upon those who do not attend to their remonstrances; Hottentots and Free Blacks are only to be remonstrated with, but if they persist they may be taken into custody by the constables without an order. They are also allowed to expostulate with Burghers of the District or known Inhabitants for acts of irregularity which if persisted in are to be reported to the Landdrost.

Having described the various officers employed in the active duties of the police, we proceed to the mention of those functions which we propose to assign to them, although it will be perceived from the connection of the two subjects of the Criminal Law and Police that several points have already been incidentally mentioned in our Report on the former, the details of which more properly belong to the latter subject.

The Attorney General of each Province and the Clerks of

the Crown in each County being invested with the right of public prosecution will necessarily claim the privilege of being furnished with the earliest intelligence of the commission of offences from the Magistrates, and from the County Judges, but we trust that in matters of general police, as well as those touching the Public Peace, all Magistrates in the commission within their respective counties and the Peace officers whom we have named constables will feel it their duty to take such immediate steps as will ensure the important object of establishing the commission of any crime or the breach of any law by the best evidence that they can procure. We think that we have not underrated the importance of these duties by providing for their greater despatch by divesting them of those formalities which create delay but do not afford security, and which we have thought may with propriety be brought within the competence of any one Magistrate named in the Commission of the Peace. We make this recommendation with more confidence, as upon reference of the question to the President and Members of the Court of Justice we find that it obtained their concurrence, and it was known to us that the preliminary investigation of several cases of a very grave nature had been committed to two Heemraden when the Landdrost acted as Prosecutor.

The largest share of these duties will devolve upon the Judges of the County Courts whose residences we have recommended to be fixed at the Chief Town of each County, hitherto known by the designation of "The Drostdy." In all of these towns court-rooms are now to be found, some of which are detached from but the greatest part are contiguous to the residence of the Landdrost, and in which the Judges of the Counties should hold their sittings, and in which also their records should be kept. The political and financial administration of the district being now separated from the judicial, and no other object than the latter and that of Police requiring the attention of the County Judges, it may be reasonably expected that no greater delay should take place in the Investigation of crimes than that which may be requisite to obtain the attendance of witnesses. There is, however, one part of the duty of the Landdrosts which was partly of a judicial nature, and which although liable to interruption as

well as to neglect, was highly creditable to the Batavian Government by whom it was introduced, and which, we think, may in future be assigned to the Civil Commissioners. It consisted of annual tours of inspection by the Landdrosts through the districts, and of their report to the Government upon the state of the Inhabitants. Notice of the intended tour was likewise required to be given by the Veld Cornets, principally with a view to afford protection to the Hottentots against interested oppression and to give them opportunities of obtaining redress. The Civil Commissioners, we think, may very properly be required to perform this duty instead of the Judges of the County Courts, and to communicate the result to the Government, reporting cases that are of a judicial nature to the County Judges, and to the Guardian of Slaves any cases which seem to require the attention of that officer.

We recommend that the judges of the County Courts, the Resident Magistrates at Port Elizabeth and Port Frances, and the Superintendent of Police at Cape Town, should be prohibited from holding any interest in slaves, but at present we cannot recommend that the prohibition should extend to the Magistrates who may be appointed to the different subdivisions of the counties, as it might lead to the exclusion of some of the most respectable inhabitants.

There is another subject which, as interfering to a certain degree with the personal comfort of the County Judges, we should feel reluctant to propose if we had not observed that a long residence in the districts tended insensibly to produce an identity of feeling and of interest in the Judge and the people upon many points which are likely to arise, and which need the interposition of a very firm and impartial hand. Without venturing to assert that such feelings may be counteracted by a change of residence of the Judges from one county to another after a term of five years spent in each, we cannot help expressing an opinion that no means of an indirect nature should be neglected which have a tendency to check those expectations of favor or apprehension of enmity to which long and continued association in the same neighbourhood so frequently lead, and which interfere with the impartial administration of Justice. With a view to diminish the objection which the County Judges might reasonably feel to

such changes, we should advise that the actual expenses of removal should be defrayed by the Government.

A great portion of that duty which is allotted to the County Judges will consist not so much in the adjustment of conflicting rights between opulent individuals of the same class as in affording protection to the helpless, the ignorant, and the oppressed individuals of two classes against the interested claims of their superiors. The latter have inherited and have grown up with the idea that the great mass of the other classes possess no rights, and that their subservience to them forms an essential part of their condition as human beings. Strangers to the colony and its inhabitants may be expected to resist the first influence of such ideas, and it was under this impression that we were led to propose the introduction of them to the Seats of Provincial Judicature, but we have also had occasion to remark the facility with which these notions have been imbibed, and we shall have to explain the nature of the regulations which it is the peculiar duty of the County Judges to enforce.

In the mean time, and under a solemn conviction of its necessity, we would press the adoption of any measure that would enable the Judges to resist the effects of that influence by which we think the humane spirit and tendency of these regulations has been perverted.

Upon entering into their respective offices the Judges, Clerks of the Crown, and Constables should take oaths of faithful and impartial administration, and for the due observance of the laws.

The Superintendent of Police at Cape Town will continue to discharge those duties which are enumerated in the Ordinance No. 12, in which they are set forth, but we only repeat the tenor of a recommendation contained in our former Report on the Criminal Law by suggesting that other Magistrates may be advantageously included in the Commission of the Peace for Cape Town, and it may be reasonably expected that some of the members of the late Court of Justice who have retired on pensions may not be unwilling to give their assistance. The Judge of the County of the Cape will also participate in these duties, and the Superintendent of Police will thus be enabled to devote some portion of his time to the business of

active and general superintendence, and in the zealous performance of which the tranquillity of the inhabitants and their comfort and health are so largely concerned. It will be desirable that the superintendent should keep a journal of the transactions of his office, but we cannot consider it necessary that his registers should be so numerous or detailed as those which we have described in the office of the Deputy Fiscal.

Although we have already recommended the use of printed forms in conveying the different orders of the magistrates, yet we conceive that much of the correspondence in the office of the Superintendent of Police may be reduced. With these impressions we framed the estimate of the clerical assistance which we considered to be necessary in the offices of the Attorney General and the Superintendent of Police, proceeding in these as in other instances upon the principle of augmented pay and efficient service, and proposing a reduction of that which was inefficient frequently from inadequate remuneration, and the consequent necessity to which the clerks were exposed of resorting to other employments for subsistence.

We have not thought it necessary to recommend the continuance of the situations of the 2nd, 3rd and 4th Under-sheriffs, as we consider that the duties of active police would be better performed by persons attached solely to that department than by those whose attendance is specially required at the gaol. We therefore recommend that one Police Officer should be appointed to act under the superintendent for the purpose of controlling the subordinate officers, and for employment on special and important cases which it may not be safe to trust to ordinary constables.

In consequence of a reference which was made to us by Governor Lord Charles Somerset of a statement submitted to His Excellency by the Superintendent of Police of the inefficient state of the subordinate constables, we represented to His Lordship the expediency of reducing the number of them from 28 to 20, and raising their salaries from £31 10s. to £45 per annum. This proposal was carried into effect, but from the appropriation which continued to be made of so many of these officers as Orderlies to the Fiscal and his Deputies, independent of a messenger allowed to one of them, their number was hardly sufficient, although their respectability of character

was in some degree improved by the change. We think that their number may yet be reduced to 15, and that instead of those allowed as before mentioned, a messenger should be attached to the office of the Attorney General and one Messenger and a Constable to the County Court of Cape Town and one to the office of Superintendent of Police, but that it should belong to him to distribute the remainder in such manner as the public Service may require. We think it may be useful that the residence of the constables should be distinguished by a Board with their names and office in the same manner as those of the Wardmasters, and that they should be distributed through the town with reference to the extent and character of its population.

By the abstract which we have made of the Police Establishment of each district as they stood in the year 1825, it will appear that the difference in number as well as in the pay of the constables in some of the districts was very considerable, the highest rate being that of £31 10s. in Cape Town, Cape District, and Stellenbosch, and the ordinary rate being that of £13 10s., lodgings and rations being in most instances either provided, or a pecuniary allowance substituted for them. Proceeding upon the principle acted upon, and with apparent advantage at Cape Town, we propose to reduce the number of police constables there and in the counties of the two provinces from 96, their amount in 1825, to 50, and to raise their salaries from the present rates to £50 per annum including rations, and to provide a suit of decent clothing to each.

We think that the appointment of these officers should be left to the Superintendent of Police at Cape Town and the Judges in the several Counties, and that their removal in case of misconduct should be subject to the opinion of the High Courts of each Province.

From the number of mounted orderlies recommended to be kept in each district by the Instructions of the year 1803, it would appear that the Dutch Government had been strongly impressed with the necessity of providing communication between the most remote parts of the Districts and the Landdrosts and from them to the seat of Government, and at a period in which it was not customary for the Government to pay for the horses and waggons which were required for the

Public Service, the reluctance of the inhabitants to furnish them might have augmented the necessity. This feeling has not abated, notwithstanding the more equitable practice introduced by the British Government of paying for them on these occasions, and so little are the inhabitants disposed to admit any sudden call upon them for the public service, even when attended with profit, or to break in upon their ordinary but limited modes of employment, more especially in the towns and villages (where horses are procured with great difficulty), we are disposed to think that the having one horse at command in cases of emergency may be attended with advantage, provided that it be used only for the public service. We found that arrangements had been made in some of the districts which were calculated to favour an abuse or misapplication of these means, and as the Police Dienaars are not employed in regular patrolling, and as the expense charged for the purchase and for the forage and saddlery of the horses is considerable, we recommend that they should be supplied by contract subject to penalties in case of failure for conveying the Police Constables upon any occasion in which the Judge of the County may require them to be mounted. We consider that the allowance of forage hitherto made for the horses of the 1st and 2nd Undersheriffs at Cape Town should be transferred to the assistant of the Superintendent of Police, and that it should be limited to one horse, as others may be readily procured there at all times when they are required.

The powers of correctional police, with the exception of that of ordering the punishment of slaves at the instance of their masters, and conferred upon the Fiscal by the old as well as more recent regulations of his office issued by the Dutch Government, were exercised upon his application or that of his deputies to one or two of the Commissioned Members of the Court of Justice and by the Landdrost and one Heemraad and in some cases by two Heemraden in the country. From the number and various contents of the proclamations issued by the different Dutch Governors touching matters of police, but more especially that of the Dutch Governor Swellengrebel in the year 1740, it would be difficult to make any brief enumeration of them. In addition to those of which we have made mention on former occasions

respecting the plunder of armed (*sic*) vessels and cruel treatment of animals found trespassing, we have to notice the offence of damaging or robbing gardens, which was punished with confinement in irons for two years and labour at the public works, and that of injuring fruit or timber trees, by public whipping at the place of execution, and that of setting fire without permission to pastures, standing corn, or bushes, which is punishable severely for the first offence, and with death for the second.

Although the specific punishments are generally heavy, yet those for the contravention of the regulations of police for cleansing the streets, riding or driving with violence, or firing arms through them, selling swords and cutlasses or gunpowder to slaves, and concealment of them, as well as many others of the same nature, are arbitrary.

The fines ordered to be levied in the proclamation before mentioned were declared to be for the benefit of the Fiscal.

The regulations respecting slaves, which were frequently re-enacted and amplified by different Governors, were strict in themselves and prescribed severe punishments. By one of them slaves were made liable to immediate apprehension and punishment by flogging if found to have wilfully pushed against a European of the lowest class, or a person descended from him, and the owner if present was bound to satisfy the person offended by the punishment of the slave.

Slaves are not allowed to carry weapons or even a gun when herding cattle, except in the presence of their masters. They are forbidden to come into the Church or the Porch at the end of Divine Service, or into the inside of the Burying Ground of Christians, or to enter the Government Garden except in presence of their masters. They are prohibited from riding at a quick pace with horses or driving waggons in Cape Town, a useful and necessary regulation where many of the streets are narrow and unprovided with footways.

Government slaves and convicts are punishable for selling or bartering their clothes, with flogging, and labour in irons for 14 years, and all persons purchasing goods from slaves at a low price and under circumstances which raise a presumption of their being stolen are punishable as receivers.

Slaves are however allowed and constantly employed as

hawkers in selling goods for their masters both in town and country.

Slaves found gambling, or whistling, and making signals in the streets at night to their confederates, or being found rioting or making noises, or even being together in the day time and above three in number and belonging to different masters, are punishable upon the spot by the constables, who are authorised to make use of their canes in separating them. They are also liable to be apprehended if they are found in the streets or near the town after dark and not in the presence of the persons in whose charge they are, without a lanthorn, with an exception of those who come from the country with waggons or as wood-cutters, provided they have regular passes.

Slaves sent out after eleven o'clock even with a light are required to carry a pass from their masters, containing reasons for giving it and the date. An article of these regulations provides at the same time that where the fault lies in the master he, and not the slave, shall be punishable.

These punishments are allowed to be inflicted by the respective officers of Justice without any form of process, and we fear that the generality of that term has led to the imprisonment and also to the punishment of slaves by no higher authority than that of the Under-sheriffs, who (it is to be recollected) are only keepers of the gaols throughout the Colony.

With exception of the regulation by which slaves are required to be provided with lanthorns if found traversing the streets after dark, we cannot say that much vigilance has been exhibited by any portion of the officers entrusted with the police of Cape Town. The riots and drunkenness of slaves and Hottentots in the streets on Sundays have been the subject of just and frequent complaint, and are attributable to the practice of keeping open canteens during all hours excepting those appointed for Divine Service in the Dutch Church, and we think that the police of the streets during the day is not creditable to those upon whom this duty has devolved. The occupations of a more serious and sedentary nature with which the Fiscal was charged have been pleaded by him in extenuation of neglects of those of ordinary occurrence, while the participation in some of them with him by

the Burgher Senate has rather served by dividing the responsibility for neglect to increase than to lessen it. It may be reasonably expected that the appointment of the Superintendent of Police and the employment under his direction of a better description of constables will lead to a greater degree of activity and vigilance in the protection of public order and in the execution of those duties which are assigned to the Wardmasters for the care and cleanliness of the streets, and the Government will have a right to expect from them an active co-operation with the Superintendent of Police.

We think that it will be found necessary to revise the multifarious regulations of Police, and to retain those only which shall be deemed applicable to the present state of the population, which comprises many more people of free condition than it did at the period in which they were passed, and in which the proportion between that and the servile class was liable to great increase from the encouragement given by the Dutch Government to the introduction of slaves, and by their policy with regard to the land tenure, to the accumulation of them in Cape Town. The connection between the Malays and Free Blacks professing the Mahomedan religion and the slaves, to whom also may now be added a large portion of Prize Negroes whose terms of apprenticeship have expired, is the cause assigned for the jealousy and suspicion with which the movements and associations of these classes are regarded, and it also accounts for that marked distinction observed in the exposure of the houses and persons of these classes to entry and arrest, and the scrupulous protection of those of the Free Burghers.

One great evil arising from the accumulation of large and numerous families of these persons in small and inconvenient houses in Cape Town, for which they pay extravagant rents to the owners, will be corrected by a general understanding that neither the difference of colour nor the religious faith of the Free Blacks is to be a bar to their possession of an allotment of land, if they should have means or disposition to build upon it.

From the same supposed connection between the Malays, Free Blacks, and the slaves, and from the accidental similarity

of colour between some of them, as from the interest derived by the Police Constables in the fee for apprehension, they have been involved in the consequences of the regulation which makes slaves liable to it, if found in the streets after dark without a lanthorn, and after eleven o'clock without a pass signed by the master and describing the reasons and date of the permission.

It is stated by His Majesty's Fiscal that upon the apprehension of persons at night for these reasons, and who claim to be of free condition, and who are not engaged in mischief, they are entitled to be released without payment of fees, but it has been alleged by a Malay Priest that it is customary to discharge a free black taken up after dark on the immediate payment to the constable of three rixdollars or 4s. 6*d.* Sterling, but in case of his inability to pay that sum he is imprisoned until he is discharged upon paying the ordinary gaol fee of four skillings or nine pence.

The great alacrity displayed by the undersheriffs and constables in the performance of this part of their duty, contrasted with their frequent remissness in the apprehension of culprits, and the little respect that is paid by them to the right of personal freedom in any of the coloured classes of the community (a feeling which is not confined to the police constables), render it necessary we think to provide a greater degree of protection for the individuals of this class who may be innocently exposed to apprehension and confinement in the gaol during the night than that which depends upon the discretion of a constable or an undersheriff, or the discrimination of his bookkeeper, to the last of whom in the evening such questions are generally submitted.

We conceive that all Free Persons should have a right of action for damages against any gaoler, officer of police, or other person, who after notice of their condition and the place of their residence shall persist in detaining or taking them into custody, when their conduct is peaceable and inoffensive.

We do not moreover think it advisable to retain that part of the regulation of police by which slaves found in the streets after eleven o'clock at night without a special pass to go from one part of the town to another are made liable to be apprehended and lodged for the night in gaol, whence they are

released on the master's paying a certain fee to the arresting constable and to the gaoler, with the customary charges for subsistence if not immediately released. The regulation which requires them to carry lanthorns after dark may be usefully observed as long as Cape Town remains unlighted by street lamps, and we think that increased vigilance on the part of the police, and more attention to their domestic superintendence on the part of the slave owners, will prove effectual in preventing any evil consequences from the removal of a troublesome form, the observance of which is liable to abuse and leads to a vexatious interference with the people of colour.

We are not aware of any peculiar habits in the various classes which compose the population of Cape Town which suggest the necessity of having recourse to a system of rigorous police. The habits of the middling class are those of frugality and order. They are not addicted to excess, and seldom are guilty of that species of it which calls for the presence or the interruption of peace officers. Of the inferior classes, the Mahommedans are temperate from the tenets of their religion forbidding the use of wines and spirituous liquors. The other classes of free labourers and slaves indulge in the excessive use of them, partly from the bad regulation of the canteens, and partly from the cheapness of wine and spirits. The influx of people from the country caused by their attendance at the markets, and the carriage of wine at one season of the year, leads to disturbances in the streets and to accidents which require more than ordinary vigilance and very prompt interference, but their stay in the town rarely exceeds a few hours, and their departure from it is conducted in a more orderly manner than could be expected after the long journeys and the privations to which they are subject from their slow mode of travelling. The regulation which requires the name of every owner of a waggon to be placed in a conspicuous part of it affords a salutary check upon the carelessness or the violence of the drivers, and is generally enforced.

The presence of strangers (especially of sailors) in Cape Town is watched with vigilance and punished with severity. No sailor in the merchant service is allowed to remain on shore without a pass from the Fiscal (now from the superin-

tendent of police). The first undersheriff may give them a pass for one night only in case of bad weather or other pressing circumstances, but they must retire after nine o'clock at night from the streets and repair to their quarters or their boats, and if found in the streets or in the house of any licensed retailer of spirits after that hour they may be apprehended and confined during the night in gaol. This regulation is not unattended with hardship, for sudden changes of the weather frequently render their return to their ships impracticable, and they are thus exposed to the severity of the weather in the open streets, or liable to imprisonment, or to the payment of fees, amounting to 1*s.* 6*d.* or 9*d.* sterling according to the length of the imprisonment. These regulations are enforced both at Table Bay and Simon's Bay with a severity which is disproportioned to the offence (if it can be termed one) of a person of free condition being found after dark in the streets of a sea port town and in a British Settlement. The regulation has certainly been attended with benefit in preventing the frequency of those nightly disturbances which are usual in maritime places, and it forms an inducement to sailors to return to their ships and to be in readiness to prepare for the gales of wind to which the two principal anchorages are exposed. The system however is unpopular with sailors, and is considered to operate with discouragement to their taking employment in the port, and the power of giving or refusing the pass is vested at present in persons who cannot be fit judges of the nautical reasons which should influence it, and we have found that the apprehension of sailors and strangers for being found in the streets after dark without passes is liable to such frequent abuse, and such delays have occurred in their appearance before the Fiscal and the Commissioned Member of the Court of Justice who was entitled to take cognizance of such matters by which their imprisonment has been unjustly prolonged and the expenses of confinement increased, that we are induced to recommend that their apprehension in the streets should be limited to cases where they are taken in any act of riot or disturbance of the public peace or are found in such a state of intoxication as to be disabled from taking care of themselves.

We proceed to explain the regulations of Preventive Police,

the first of which seem to have been enacted by the Dutch and preserved by the British Government in consequence of the system of commercial exclusion which was maintained by the former and of the state of hostility in which both Governments were engaged, and when the arrival and residence of strangers or of persons not possessing the permission of the Home Governments was regarded as a subject of apprehension and requiring much caution on the part of the local authorities. They may also have been dictated, at least under the British Government, by an anxiety to prevent the desertion of seafaring men from their vessels on a perilous coast and in the middle of their voyages to and from Europe, and the establishment or concealment of others in a Colony where they might easily succeed in finding subsistence and escaping observation.

The control exercised over all descriptions of persons on their first arrival in the Colony, and even in periods of general tranquillity, is very strict. Those who are desirous of taking up their residence must apply by memorial to the Governor for permission, offering two securities for their good behaviour, which is referred to the Fiscal, whose notice of the application seems to be a matter of official routine, as it has been admitted by him that he has no means of forming a judgment of the propriety of compliance or refusal. Upon the return of the memorial to the office of the Secretary to Government without objection, a permission to reside is given, importing that the holder "may remain in the Colony whilst he conducts himself in a quiet and orderly manner and pays due attention to the orders and regulations issued by His Majesty's Government." A description of the person is annexed to the permissions of those who come to reside for the purposes of Trade, but neither description nor cautionary clause is required from those who resort to the Colony for temporary purposes or for health.

We think that with regard to British subjects either coming from England direct or consisting of domiciled Inhabitants of British Colonies, or arriving from British India, these precautions are more rigorous than any reasons of policy or security require, and that they are calculated to excite feelings of estrangement and suspicion in the breasts of those whom

it is the policy of the Colony to attract to it and conciliate as Residents. It may be justly required that foreigners and aliens should give some account of themselves when it is their intention to reside or remain in the Colony, and the regulation contained in a Proclamation of Sir David Baird dated 25th February 1806, by which all Inhabitants receiving strangers into their houses as lodgers are bound to report them at the office of the Chief Magistrate in 24 hours after their arrival, might be applied and limited to them.

The regulations applying to the residence and employment of British and Foreign Sailors require to be noticed. By one of old date they are not allowed to proceed to a greater distance than cannon shot from the Castle without a Pass. Restraint is equally applied to their residence and employment in the Colony, and they are also required to find security for not becoming burthensome to it, and also for their good behaviour, and they are not allowed to engage in the Coasting trade without a certificate from the Port Officer.

The fee which is now wholly paid to the Constables on the apprehension of a Deserter from the Merchant Service amounts to three or six rixdollars (4*s.* 6*d.* or 9*s.* sterling) proportioned to the distance from Cape Town at which he is apprehended, but it has been stated by the Under Sheriff at Cape Town that he never took more than three rixdollars or 4*s.* 6*d.* for such services.

In considering the expediency of enforcing these regulations, two points have occurred to us, the necessity of preventing the desertion and concealment of sailors on the one hand, and the advantage of encouraging or at least of not too rigorously repelling from the shores of the Cape a population essential to the prosperity of its Coasting Trade, tho' exposed we admit to the temptations of idleness and excess in a country where subsistence as well as spirituous liquors is cheap. Every precaution which prevents a sailor from suddenly or fraudulently withdrawing from his engagement, when as it usually happens to those in vessels touching at the Cape that only one half (perhaps only one quarter of the voyage is performed), must be beneficial, for Owners of vessels would not allow them to visit the Cape or remain there if facility of escape or concealment were held out to their sailors during their continuance in

the anchorage. We approve therefore of the regulation by which all notices of desertion are required to be made immediately to the offices of the Superintendent of Police and of the Port Officer, and likewise of that which prevents seamen either from remaining in the Colony or from engaging in another service without a certificate from the Port Officer that they have his permission to do so, which however should only be withheld on well founded suspicion of desertion. In case of disability from sickness to proceed on the voyage, the security of the Agents or the Captain of the vessel should be available to protect the Colony from the expences of the man's maintenance and cure. We think however that security for not being chargeable to the Colony or for good behaviour is more than seafaring persons can be expected to procure in a community where they have no previous acquaintance, and that if the Colony is to have the advantage of their Industry in health and in the navigation of its coasts, in which arduous course of life the native population has hitherto shewn no disposition to engage, it is only just that such persons should be entitled to support in sickness or in the infirmities which their service in the Coasting Trade may have brought on them.

The penalty against Captains of vessels for receiving or employing seamen without a certificate from the Commander of His Majesty's ships and vessels was exacted at a period of war, and in which several of the latter were anchored for the greatest part of the year in Table Bay; but we cannot recognize the necessity of resorting to the same authority when the vessels and the Officer in Command are anchored at a considerable distance. The claims of His Majesty's Naval Service will be provided for if the certificate of the Officer of the Port is required to be withheld from seamen who in case of their not being removed or transferred from other ships cannot prove a residence of three days in the place in which they engage.

Regulations were issued by Lord Macartney, and confirmed by Lord Caledon, requiring certificates of the payment of taxes from the Landdrost of one District previous to the removal of persons from thence to another, and which also forbid the unauthorized destruction of herbage on the unoccupied lands of Government under the pretence of avoiding plunder or being compelled thereto by drought. It

would also appear by the 270th article of the District Regulations of 1804 that roving people accompanied by their families and cattle are to be noticed and reported to the Landdrosts by the Veld Cornets and sent out of the District, and that the "uitspan" or unyoking places are not to be occupied by the same persons for a longer period than 24 hours except on account of the swelling of rivers or other emergencies.

It has been asserted as a principle of Colonial Law that all persons travelling without passes are regarded as vagrants, and we have been informed by His Majesty's Fiscal that according to Colonial Custom all classes of Persons not having a domicile or visible means of subsistence in the Colony may be apprehended as vagrants, but we must take leave to observe that the first of these propositions has been laid down too broadly, and that while we have observed that the Custom to which the Fiscal alludes in his evidence has been too frequently and openly violated to entitle it to authority, we find that it is not borne out by the written Law to which he refers, and which unquestionably would have embraced that second as well as the first branch of the definition if it had been intended by the Framers to make part of the offence of vagrancy.

The 63rd article of the Instructions for the Country Districts authorizes the Landdrosts to detain Persons who have no fixed place of residence in the Colony or those who being strangers have no permission of residence and wander as vagabonds, but the 248th article of the same Instructions declares that Burghers and Inhabitants are at liberty, unless particularly forbidden, to change their places of abode as often as they please, on giving due notice to the Landdrost and the Field Cornet of the District in which they mean to reside. The offence of vagrancy in a Burgher of the Colony appears to have been of such rare occurrence that His Majesty's Fiscal was not prepared to say in what manner the Law would dispose of him, but if it be committed by persons who do not belong to the Colony or have no permission to remain in it, they are liable to be sent away, and when persons of this description, especially sailors, are apprehended, they receive temporary passes to enable them to subsist themselves or to leave the Colony. There is no compulsory provision for the maintenance of casual Poor, but it has been stated to us by

His Majesty's Fiscal that Burghers of the Colony apprehended as vagabonds and reduced to poverty receive relief (from the Funds of the Districts it is presumed in which they are found), and are recommended to seek out the means of providing for themselves. Vagrancy therefore as an effect of mere idleness does not seem to be punishable by the Colonial Law, and as an effect of poverty it cannot be said to be common amongst the Native White Inhabitants. Exceptions exist, as we have had occasion to state, in the instances which are to be found more especially in the Frontier Districts of persons of this class possessed of waggons in which they live, and of cattle which depasture on the lands that are yet unoccupied. This disposition to which many of the Native Inhabitants are yet partial was corrected more by the influence of the judicious measure adopted in the year 1813 of giving a permanent interest in the lands which had been previously held on annual leases, than by any direct restraint that has been enforced against the unauthorized use of those that have been unappropriated. A singular species of restraint is applied to the removal of that class of the Population of Cape Town distinguished by the appellation of "Malays" or more generally "Free Blacks," and His Majesty's Fiscal has considered that the Prize Negroes whose periods of apprenticeship had expired should be subject to the same restraint, as well as to the service which is the pretext for maintaining it, under an impression that the continuance of this class in the Colony was as much the effect of permission from the British Government as that of the Malays had been by the Dutch Governments, and that it was open to both to annex such conditions to this permission as they might find convenient, but the Fiscal was pleased in the year 1825 to give an order that the Hottentots and "Bastaards" in Cape Town should be exempted, and it has been stated to us that these or similar restrictions do not apply to the mixed race or to the Free Blacks in the Country Districts.

With the alleged view of retaining a sufficient number of free Malays and Mohammedans to work the Engines in case of fire in Cape Town and in the other Towns, they are not allowed to leave them for a longer period than a day without a pass, which is granted in the first instance by the President

of the Board of Fire Wardens and countersigned by the Fiscal or his Clerk in Cape Town, and if it is their intention to remove and reside out of the District it must be mentioned in the Pass. The applications for these passes occasion a great deal of trouble and inconvenience to the Malays, who are generally Mechanics, and until lately they were subject to the payment of a fee of 4 Skillings (or 9d. Sterling) to the Messenger of the Burgher Senate.

The restrictions upon the removal of the Hottentots from one place to another are still more rigorous. They as well as Slaves are prohibited from carrying messages or goods of any kind from the Towns to the Country for any short distance or vice versâ, without being furnished with written passes from their employers or owners, and it is competent to anyone to stop them, and if found without passes to apprehend and lodge them in Gaol. The restriction has been extended to the case of Hottentots accompanying their own waggons and cattle proceeding to the neighbouring market towns, to the Missionary Institutions, in visiting their friends and relations in the same District, in hiring themselves to neighbouring farmers for short periods, and it is now become a received opinion that a Hottentot found anywhere without a pass is a vagrant.

Abstaining for the present from a detail of those circumstances which have contributed in our opinion to impress that character upon them, we will only now observe that the Hottentots form a numerous class of that part of the labouring population which is engaged in the herding of cattle and in driving or leading ox waggons.

Altho' the original occupiers of the greatest portion of the Land of the Colony lying within the Fish River, they now possess none save that which they share in common with the Members of the Missionary Societies, some of which is held by permission of the British Government, and some more recently acquired by purchase. Several Hottentots however possess cattle and sheep, the savings of their wages from the Farmers, and more lately they have acquired waggons and horses. With the exception of those who are Members of the Institutions, and now calculated at 5,963 persons, they are distributed as contracted servants among the Farms of the Boors, and a few amongst those of the English Settlers, chiefly in the

Districts of Uitenhage, Albany, Graaff Reinet, and Tulbagh. Their motives for removal from one part of the Country to the other are various. They are fond of change, of visiting their relations, and especially their young children, who by a law of the local Government, of which the policy is specious but the protection very equivocal, become and are retained apprentices to the age of 18 years, if they have been born in the house of the Master and have been maintained there for 8 years.

The Hottentots are not generally disposed to Industry, and have found few encouragements to it: their tempers, which are naturally social and gentle, render them the easy victims of bad example and indulgence, and altho' not intractable they are certainly not easily reclaimable, when habits of intemperance have been contracted. Without entering into further particulars at present respecting their condition previous to the year 1809, we will briefly state that although their civil existence as Free Persons had been declared by the Batavian and guaranteed by the British Government, yet it was in fact a state of civil subjection to the Inhabitants of the Country Districts upon such terms of Service as their convenience dictated. In a proclamation that was issued in the year beforementioned by the authority of Lord Caledon, it was ordered that every Hottentot in the different districts of the Colony in the same manner as all other Inhabitants should have a fixed place of abode in some one of the Districts, that an entry of it should be made in the office of the Fiscal or Landdrost, and that they should not be allowed to change it without a certificate of one or other of those Officers, or in failure thereof should be declared vagabonds.

After providing for the Contracts of Service which the Hottentots might make, the 16th clause enacts that Hottentots going about the Country on the service of their Master or on other lawful business must be provided with a Pass (which everybody is required to demand) either of their Master, commanding Officer, or Magistrate of the District, under penalty of being considered and treated as Vagabonds.

It has been stated to us that a Hottentot who has property in cattle and sheep cannot be considered in a state of vagrancy, and cannot be taken up, but it was admitted at the same

time that this circumstance would not give him protection if he did not possess land upon which his cattle and sheep might graze. In point of fact this last circumstance has been held to give no protection, and Hottentots who are in possession of waggons and cattle, and proceeding with them but without a pass from a Missionary Institution to the Neighbouring Market, have been apprehended. In other respects the provisions of this Law are very rigorously executed, and the Constables receive a fee of one rixdollar and a half (2s. 3d.) for the apprehension of Hottentots without passes, and from the system of making contracts of service in Gaol which has been engrafted on this Law, a patronage has been created in the disposal of their labour by the Landdrosts and the Undersheriffs which is very acceptable in a Colony where it is so scarce, independent of the Interests which the Undersheriff, who is generally contractor for the supply of provisions to the Prisoners, has in the prompt payment of them, and which is always made a condition of the contract with a new Master.

Although we concur in the evils arising from the vagrancy of the Hottentots and think that many of the crimes committed by them are attributable to that disposition, yet we conceive that the great corrective of it prescribed in the first clause of the proclamation of Lord Caledon, namely, "that the Hottentots in the same manner as all the Inhabitants of the District should have a fixed place of abode" has not been tried, unless indeed it be contended that the residence of the Hottentots in the habitations of the Boors to whom they were to be contracted as Servants were the only abodes which were really contemplated by the Framers. We do not join in that belief, but in justice to one of them it should be stated that soon after this law was passed a reserve was made at his special request of a tract of land that was recognized as forming an ancient "Kraal" and lying in a very favorable situation, and which was given up and has since been nominally possessed by the Hottentots.

Reverting to the restrictions which attach to the removal of these several classes of Individuals within the Colony, we are of opinion that all inhabitants of whatever class, and all British Subjects should be considered as exempt from the necessity of taking passes either for the purpose of temporary

removal or for that of permanent residence, but that in the latter case they should be bound to give notice to the Constable of the District in which they intend to settle, and to accompany it with a list of their families, distinguishing their sexes and ages, and the places in which they last resided, which should be transmitted forthwith to the Clerk of the Crown and the Civil Commissioner of the District, neither do we conceive it necessary that aliens after having obtained permission of residence should be required to take passes to enable them to remove from one part of the Colony to the other, altho' we think that they should not be allowed to set up or practise trades without the permission of the Governor or Lieutenant Governor.

We conceive that it would be utterly inexpedient and at the same time unnecessary, to apply the whole of the various descriptions of vagrancy which are set forth in the latest act of the British Parliament made upon this subject and contained in the 3rd Section of the 3rd Geo. 4, cap. 40, to the Inhabitants of the Cape of Good Hope, and altho' we concur in the general policy of such measures as tended to counteract a disposition to a vagrant life in the higher as well as the lower classes of the population, and conceive that from the wide dispersion of the Inhabitants as well as from the exposed state of their property such a disposition may frequently be indulged at the expense of it, yet we have had reason to think (and upon other occasions to express our opinion) that the policy of this system has been carried too far, and that in the execution of it due distinction has not been made between the idle and the innocent wanderer, the vagrant who having no visible means of supporting himself was devising those of plundering others, and the labourer or mechanic who was seeking to transfer his Industry to the best market, or to go in quest of his children or his parents who might stand in need of his protection or assistance.

With a view to give a new tendency to the former disposition and to encourage the latter, we venture to propose that inducements to settle in the Towns and Villages should be held out by granting allotments of moderate size (Erven) on lease to mechanics and also to agricultural Labourers, upon condition of their building upon them within a certain period,

and proportioning the duration of the leases to the value and dimensions of the house constructed.

We are not too sanguine in anticipating from this measure a more rapid increase in the free labouring population than has hitherto taken place, and an encouragement to the pursuit of mechanical Industry of which this Branch has hitherto been deprived, by the practice of combining it with the operations of agriculture upon the estates of those proprietors who happened to possess a number of skilful slaves or had leisure to devote their own labour to it.

The restraint upon the personal freedom of the Malays and Mahommedans to which we have adverted being founded upon a customary demand for their services and attendance in Cape Town in case of fire, and depending we believe on that alone, ought naturally to cease if it shall appear (as it certainly does to our judgment) that whatever the original reason may have been for imposing such an exclusive obligation upon this class of Inhabitants for the protection and benefit of the others, the circumstances of their present situation are such as to entitle them to immediate relief from it.

The regulation which requires Slaves to be furnished with passes from their Masters or Employers in going from the Country to the Town and back again during the day time has constituted some check upon their disposition to wander in a Colony where, from the prevalence of the practice of allowing them to hire out their labour in the Town and Country, they are frequently withdrawn from the immediate control of their Masters.

On the other hand the authority allowed to inferior police-officers to take up slaves without passes has, as we have before mentioned, led to great abuses, and considering that the Master can always make known to the Police when from his prolonged absence he considers that his slave has absconded, we would recommend that a pass should not be required to protect from apprehension the Slaves more than the Hottentots and other classes when going from or to the Towns in the daytime.

The disposition of the Slave to absent himself from his Master's service without his consent, and of the Hottentot or other contracted servant to recede from his engagement law-

fully and voluntarily entered into, may justly claim the interference of the Police when it is duly announced by the Master or Employer that he has deserted, or withdrawn himself before the term of his service has expired.

The practice of requiring Hottentots to take passes at the expiration of their contracts of service to enable them to remove from one place to another in the same District or even from one District to another has operated as an undue restraint upon the means of providing themselves not only with employment but with that which they may find most agreeable and most beneficial. It has been usual for the Landdrosts and Field Cornets to limit the passes given to Hottentots at the expiration of their services to different terms, some consisting of eight days, some of less than that time, and some of more. We have found that the regulation of these periods is liable to very capricious influences, and as the Landdrosts and Field Cornets themselves participate more or less in the general want of agricultural labourers, they are strongly disposed by interest to limit the Hottentot in the pursuit and choice of his labour, and to reduce as much as possible the chance of his obtaining higher wages, as well as to abridge the time for travelling out of the District to seek more advantageous employment in another. This feeling extends to all classes of the Inhabitants, and as all persons are allowed by the Proclamation of Lord Caledon to ask a Hottentot for his Pass, it may be supposed that this part of the Law is not inoperative. At the expiration of their Contracts therefore, full liberty should be allowed to the Hottentots to seek for service elsewhere, or to proceed with their families as inclination may lead them, and without the necessity of taking Passes to settle at the Missionary Institutions, where they can procure instruction for their children. The necessity of taking passes from the resident Missionary at those places when they wish to remove to any distance from the Village in search of labour seems to be another restraint upon their industry, of which the resident Superintendents themselves are wont to complain, as occupying a large portion of their time, and supposing them to be actuated by the same spirit which we have not unjustly attributed to the other parts of the Community, it might also add to the influence which the Missionaries must naturally possess over so large a body

of labourers as the Hottentots, and which we do not think it desirable to increase. If Individuals of the latter Class should be found to abuse their right of removal, and neglecting the opportunity thus afforded them of earning their subsistence by their labour, should seek to derive it from the plunder of sheep and cattle, the right of interference with their liberty may justly commence, and they may be made liable to apprehension and committal to prison, and in common with other offenders on conviction be condemned to work for the public for certain periods without wages.

By ceasing to require that the Hottentots and other classes should take Passes in removing from one place to another, and by restricting the authority now exercised in detaining and imprisoning them, those Hottentots who being possessed of waggons and cattle are proceeding from one place to another in the lawful use of them would no longer be interrupted, but the prohibition to which we have before adverted of the continuance of waggons and oxen in any of the "uitspan" places beyond a certain period except in emergencies ought to be rigidly enforced against all classes of the Inhabitants, as it tends to preserve the pasturage for the use of travellers, and the only means of internal communication which the Colony at present possesses and which are not likely to be improved until such a change takes place in the habits of the people as will lead them to support the establishment of places of refreshment.

Persons desirous of leaving the Colony must present to the Colonial Secretary certificates of there being no objection to their departure from the Secretary to the Court of Appeal, the Secretary to the Court of Justice, the Sequestrator, the Town Treasurer, and the Commissary of Vendues, and must also make an affidavit before the Fiscal that they will not take with them any letter whatever not previously produced at the Post Office and stamped with the Post Office stamp. Upon presenting these certificates to the Colonial Secretary, a permission to depart, signed by him, is given, and Masters of Vessels who receive any person on board without such a document render themselves or their security liable to the whole penalty of the bond into which they enter on their arrival.

With regard to the provisions against surreptitiously quitting the Colony, we are far from wishing to impugn the principle of precaution which has been introduced into most of the other Colonial Dependencies of Great Britain, but we think that the regulations are needlessly minute, and we should also add that from the nature of the roadsteads to which vessels are compelled to resort, the application of them is attended with difficulty.

From the sudden changes of wind to which all are more or less exposed, it is frequently difficult and unsafe for Captains of Vessels to comply with the regulation which requires a notice in writing of two days at least previous to sailing from Table Bay. It also happens that on the day previous to that which a sort of maritime custom has recommended as one of general departure for vessels, the public offices from which the various certificates are to be obtained are closed at an earlier hour than usual, and Parties have thereby been exposed to unnecessary inconvenience and disappointment.

By the facility that we have proposed to give in the execution of the Law of Arrest of Debtors and others when in "*meditatione fugæ*," we think that the necessity of obtaining the certificates may be dispensed with, but that every person intending to leave the Colony should be bound to make a public intimation of his intended departure either by advertisement of his name in one or other of the public papers, or by inserting it in a list to be kept at the Office of the Superintendent of Police and in a conspicuous part of it, within ten days at least previous to embarkation, and that in case of emergency or of sudden departure from the Colony, security should be given to the satisfaction of that officer at Cape Town, of the resident Magistrates at Simon's Bay, Port Elizabeth, and Port Frances for the payment of all just debts that he may have incurred.

The Gaols of the Colony are placed under the immediate care of Officers who are called "*Under sheriffs*," and by a recent regulation the control and inspection of that at Cape Town, which had been entrusted to the Fiscal, was transferred to the Superintendent of Police, while that of the District Gaols remains as formerly in the hands of the respective Landdrosts. The Gaol in Cape Town is visited at regular

periods by two Commissioned Members of the Court of Justice, and those in the Country by the two Members who proceed on the annual circuits, but from the information we have received of the manner in which these visits have been made, we do not believe that much benefit has been derived from them. The Gaols in the several District Towns are visited once and sometimes twice a week by the Landdrosts. Registers are kept by the Undersheriffs containing the names of the Prisoners brought into the Gaol, the dates of their arrival and release, and the authority by which they are sent, and daily reports are made to the Superintendent of Police at Cape Town and to the Landdrosts. Monthly reports of the Prisoners confined in every Gaol of the Colony are also made to the Secretary to Government, specifying the nature of the offences, the dates of confinement and of Sentence. The instructions enjoin that the Prisons shall be kept clean, and the air purified by the ordinary processes in use (that of white-washing being the most general), that good and wholesome provisions should be given to the Prisoners, that the criminals should be kept distinct from the Civil (a term which includes those detained on suspicion of crime, and whose cases are under investigation, those detained to give evidence, or in passing from one district to another under charge), that the male Prisoners should be separated from the female, the sick from the healthy, and the Europeans from the Slaves. We regret to state that none of the Gaols in the Colony at the period in which we visited them were capable of affording a compliance with these regulations, although the plan of the Gaol which was then building at Graham's Town promised a better internal arrangement and more space than the rest. As we have obtained ground plans of each of the Gaols, it will not be necessary for us to take particular notice of them. We shall therefore generally observe that the best Gaols are those of Cape Town, Graham's Town, Stellenbosch, Uitenhage, and Graaff Reinet, and those of Clanwilliam, Tulbagh, Worcester, and Beaufort the worst.

All are deficient in security, and none are surrounded by external walls, while they are generally connected with other buildings. The manner in which they are constructed is neither solid nor durable, especially those of Uitenhage and

Graham's Town, two of the most modern. The separation of the male from the female prisoners is not practicable in more than two instances, and that of prisoners convicted from Civil Prisoners, on account of the number of the latter, is not more frequent. Except in the prison of Uitenhage, where fatal consequences had arisen from the long confinement of some prisoners in cells not sufficiently protected from the effect of high winds and rain, we did not observe that the health of Prisoners had suffered from their confinement in gaol. The floors of the cells, according to the practice observed in many of the farmhouses, are laid with a compost of mud and cow-dung, and are not often paved or laid with boards, nor is it usual to allow platforms for sleeping. By the instructions the Prisoners are to be put in irons every evening, which is generally effected by confining several together in heavy feet stocks secured by padlocks. We did not observe that the chains with which the Prisoners were fastened either in gaols or when at work were oppressive to them, but we were informed that in consequence of the long journeys they have to perform and the facilities of escape from custody in removal from the Frontier Districts to Cape Town, a greater weight of irons was deemed necessary.

The Gaol at Cape Town requires from us a more particular notice. It is situated on the lower side of the Parade and parallel with Strand Street which it fronts, extending from thence to the seashore of Table Bay. On one side it adjoins the Custom House and on the other a narrow lane, which was formerly the channel of the stream of water which descends from Table Mountain to the Sea. The situation of the gaol is low and damp, but it is well supplied with water. Its dimensions were enlarged at some expense in the year 1821, but upon that side which adjoins the Custom House security has not been sufficiently regarded, and Prisoners have effected their escape by penetrating that part of the roof which adjoins the Custom House.

On referring to the Plan, it will be found that out of 39 apartments into which the ground floor is divided, and including a chapel, treadmill, and three stores, no fewer than 16 are occupied as apartments for the 1st, 2nd, and 3rd Under-sheriffs, the Caffre Constables, stables, kitchens, and a waiting

room. In the upper floor, which contains 26 separate apartments, 12 are allotted to the Undersheriffs and Constables, some of which are occasionally occupied by Debtors. On the ground floor there are 5 apartments for civil Prisoners, and one for those who are sick, and there are six separate rooms of different dimensions for criminal Prisoners. In the upper floor there are 4 rooms for Debtors, 9 separate rooms for criminals, and one that is called a civil Prison for Females.

The civil Prisoners consist of the free Black People taken up at night without Lanthorns, sailors found in the streets after nine o'clock, or deserters from vessels, Prize Negroes, Slaves, and Hottentots sent in by their Masters during the daytime for abuse, drunkenness, or disobedience, or apprehended for desertion, and Hottentots and Slaves detained as Witnesses, and lastly Debtors.

It has been stated to us by the Undersheriff and by one of the Deputy Fiscals who had a particular superintendence of the Gaol at Cape Town that since the appropriation of two rooms on the ground floor to the use of the Treadmill, the accommodation required in the Gaol has been found insufficient, and Criminal Prisoners have been sent to a place of confinement in one of the Batteries which is used for the punishment of military delinquents, and for convicts employed on the public works. The accommodation for Prisoners confined for Debt is also very insufficient, and they are liable to be placed in the same rooms with persons of the lowest condition.

The female Prisoners are not effectually separated from the males. They are placed in the cells described in the plan of the upper floor of the Prison and opening into a gallery through which the male prisoners pass and immediately above the yard to which all resort, which is described by the Deputy Fiscal as the cause of much inconvenience. The courtyard is spacious and dry, and adjoining it is a very decent and commodious chapel in which Divine Service is performed in the Dutch Language four times in the week and once on Sundays by an Individual who is not in holy orders, but who receives a stipend of 50 rixdollars or £3 15s. per month for the performance of this duty. The Colonial Chaplains at Cape Town and Graham's Town would not decline their assistance when requested on particular occasions, but they do not consider

the attendance on and religious instruction of Prisoners confined in the Gaols at either place to form any part of their duty.

A Surgeon attends the Prison daily, and makes his reports to the Fiscal (now to the Superintendent of Police) upon the state of those Prisoners who are in need of medical superintendence and upon the quality of the Provisions supplied by the Contractor. One of the worst apartments in the lower floor (No. 14) is appropriated to the sick, and until it becomes necessary to have them removed to the Hospital, which is under the management of the Burgher Senate. We observed that the medical reports to the Fiscal (which however did not form part of the regular duty of the Gaol Surgeon) were generally made on printed forms, and of a very uniform tenor, and we also found that the medicines were supplied from the shop of an apothecary in which, contrary to the established regulation, the Gaol Surgeon possessed an interest. No attention is paid to the diet of the sick, but their situation and want of comforts as well as treatment in the Gaol having been the subject of a former communication in reporting upon the circumstances which led to an alteration in the system of medical superintendence in the Colony, we will not now repeat it.

Upon occasional visits that we made to the Gaol we found that some attention was paid to its cleanliness, which however is much affected by the inveterate habits and filthy condition of several of the Prisoners who are brought in. A very sparing allowance is made of blankets or mats, and the condition in which they are kept has been a subject of complaint which is manifestly the consequence of neglect in the Undersheriff. The attendance of constables is more numerous, and the accommodation allotted to them is larger than the service of the gaol requires or than its present state will permit. We take this opportunity of mentioning an additional place of confinement for the Cape District which has been established at a small hamlet on the road from Cape Town to Simon's Town and in a favorable position for watching and intercepting Negroes and Hottentots in attempts which are frequently made to convey stolen poultry, fruit, and vegetables to the Market. It is occupied by an Undersheriff and three Constables, and is visited once in a week by the Landdrost of the Cape District, to whom also the reports of the Prisoners are

made. The building and premises were purchased for the District, and have lately been enlarged and rendered more secure.

The principal objections to which we think that the Gaol at Cape Town is liable consist in its low and confined position, preventing the possibility of enlargement except towards the sea, its insecurity, its bad ventilation, and the defects of its internal arrangement, which the bad construction of the oldest and largest part of the Building will render it difficult to remedy.

It was satisfactorily proved to us that if the present system of permitting the infliction of domestic punishment in the Gaols is continued (and considering the late restrictions to which it has been liable resort to it will probably be more frequent than formerly), the number of those who are termed Civil Prisoners will increase, and the rooms calculated for the reception of criminals under punishment or for trial will be more inadequate, or their indiscriminate mixture with the less guilty or the suspected will become more frequent. To the Hottentots, and to the Female Prisoners, we should say that this consequence will be very pernicious, for it indulges the former in their natural inclination to Society and diminishes the effect of the only punishment that is now left for the latter, that of solitary confinement on bread and water.

We understood that an attempt was made at a recent period to establish a workhouse and place of confinement in Cape Town for the lowest and most abandoned class of females, whom it had been the custom to expel from the Town and to leave in the open plain that lies beyond the Salt River. We need hardly add that this punishment was a cruel aggravation of suffering to the Individuals and of nuisance to the Public. In so far therefore as the punishment of these females is concerned (and they generally consist of Hottentots who arriving with Farmers from the Country Districts are thus thrown without protection into all the temptations of a large Town), we think that the proposed workhouse, which is attached to the new Police Office, will form a most desirable relief to the Gaols, while the separation of this class of females, and which we understood was to be complete, will facilitate

any attempt to effect their reformation or to afford them employment.

Notwithstanding the advantage that will thus be gained, we conceive that any alteration of which the present Gaol in Cape Town may be found susceptible will not remedy the defects which we have pointed out, and that as confinement in Gaol connected with Labour is one of the punishments which we have recommended to be substituted for corporal punishments of a degrading nature, we have felt that one of the most important measures resulting from that change would be the establishment of a proper place of confinement and discipline for Prisoners.

The situation which we considered the most appropriate for a new Gaol was one of the few vacant allotments which remain unoccupied on the South East side of the Town, near to that which is used as a Depot of wood and fuel by the Commissariat Department. It would possess the advantages of good air, separation from the populous parts of the Town, and of being near the Police Office.

The supply of Provisions to the Prisoners has been allowed to be made in some places by the Undersheriffs or Gaolers, in others by Contractors, and at one period the Undersheriff at Cape Town supplied the Prisoners both at that place and at Robben Island according to prices which were regulated by His Majesty's Fiscal but subject to monthly correction by the Burgher Senate according to those of the Market. He also supplied the Military Guard at Robben Island under contracts made with the Officer at the head of the Commissariat department, and was allowed the labour of three convicts. The price as well as the amount of the rations differ in most of the Districts, the highest cost in the year 1825 being that of 7½*d.* in the District of George, and the lowest being 2¼*d.* at Graham's Town.

A Tariff of fees and expenses was approved by the Governor in the year 1818, fixing the daily ration of every Prisoner sentenced to punishment at one pound of meat, rice, pease, or beans, and of a proportionate allowance of greens in soup, and a ration of half a pound of meat and the same quantity of bread and vegetables to the Civil Prisoners, but the proportions allowed in most of the District Gaols differ from these and generally exceed them.

At Robben Island the allowance of fresh meat is reduced to $\frac{3}{4}$ of a pound and the quantity of rice increased.

At Graaff Reinnet the ration consists of two pounds of meat and one pound of bread.

The distribution of the provisions in all the Gaols is made by the Caffre Constables, one of whom is employed to cook them, but the provisions are not weighed. The service and cleaning of the gaols is also performed by these men, who as well as the Constables are generally allowed to occupy apartments in them.

Except in the District of Somerset and in the sub Drostdy of Clanwilliam, in which Surgeons have not yet been appointed, the sick prisoners in the District Gaols have had the benefit of the attendance of the District Surgeons, which in most places is given daily, and the Gaol at Cape Town and that in its neighbourhood had also the benefit of the occasional visits of the Medical Inspector until a change took place in the constitution of that office.

The benefit which the sick might have derived from the performance of these duties was much diminished by the want of proper accommodation for them either in or out of the Gaols.

With reference to the preceding observations, we have to recommend that new Gaols should be built at Clanwilliam and at Tulbagh, and that the plans which we have procured of the other Gaols should be laid before the Civil Engineer, who should be required to report upon the practicability of enlarging those of Graaff Reinnet and Stellenbosch, and of making such an internal arrangement in all as will admit the separation of the Civil Prisoners from those who are condemned to punishment, of free persons from slaves, and an entire separation of the male from the female prisoners, and a due degree of security against escape. In each Gaol there should also be a separate room for the sick.

The superintendence and inspection of the Country Gaols should henceforth be entrusted to the Judges of the County Courts, and the Gaolers should be appointed by them subject to the approbation of the Governor or Lieutenant Governor. The Judges should visit and inspect each Gaol once at least in every week, and at irregular periods, and when repairs and

clothing are wanted they should address their requisitions to the Civil Commissioners of the respective Counties. A daily and nominal return should be made by the Gaoler to the Judge of each County Court of all Prisoners received and discharged in the Gaol during the last 24 hours, specifying the dates and orders or charge upon which the prisoners have been committed or released.

These returns should be signed by the Gaoler, and be preserved by the Judges, and when certified as correct should accompany the monthly accounts of the Contractor to the Civil Commissioner of the District.

A monthly return also of the Prisoners should be furnished by the Gaoler and certified by the Judge, for the purpose of being transmitted to the Office of the Attorney General and filed there. It will be highly expedient that these returns should distinctly exhibit the state of each Prisoner, whether committed for trial, detained for giving evidence, or other cause, in order to bring under the eye of the Public Prosecutor any undue neglect or delay in his subordinate Officers, or any undue detention beyond that which is strictly necessary to find out the Masters of those who are taken up as Deserters.

The printed form of the Return which is annexed seems calculated to furnish these particulars, provided that it be strictly adhered to.

The Surgeons resident at each County Town should be required to visit the Gaols at least twice in every week, to report their observations upon the state of the Prisoners and their food to the Judge, and to attend the gaol when sent for by the Gaoler.

We should recommend that Platforms made of movable Boards should be laid down in all the Cells and rooms in which Prisoners are confined for the night, and that the footstocks should not be applied except to unruly Prisoners. We are induced to make this recommendation from a belief that resort to the footstocks had been made upon occasions when the Prisoners were numerous and not unruly, and when apprehensions of their escape were entertained in consequence of the bad construction of the Prisons.

To enable the Gaolers to pay more attention to the internal duties of the Gaols, we think that they should no longer

accompany the night Patroles as they have been accustomed to do, nor leave the Gaol during the daytime to attend to their duties of Pound keepers and Superintendents of the Markets, all of which have afforded them a certain degree of profit, but have necessarily divided that attention which we think should be exclusively devoted to the Gaols, and thus supersede the necessity of employing and requiring the presence of so many constables and convicts.

The Gaolers should occupy a house either attached to or near the Gaol, but the number of resident Constables should be reduced to one in each gaol and two Caffres.

The practice of allowing the gaoler to have the contract for the supply of the provisions ought to be discontinued, on account of the interest which it gives him both in reducing their quantity and quality, the inducement which it holds out to him to employ the convicts in his own grounds in the cultivation of vegetables, which form part of the supplies, and also in prolonging the confinement of the Prisoners and in increasing their numbers by detention on frivolous pretexts. It will be practicable we think to equalize the rations in each Gaol by making it consist of one pound of coarse bread, one pound and a half of fresh meat, which is considered to be equivalent to one pound in Europe, and vegetables to the amount of $\frac{3}{4}d.$ for working convicts, and of one pound of coarse bread, one pound of meat, and vegetables to other descriptions of Prisoners.

We think that it would be most desirable in those Districts in which wheat corn may become dear and scarce to substitute the meal of maize, and thus to afford a partial encouragement to its cultivation. The provisions should be supplied by public contract, and the rations should be issued upon the daily estimate of the gaoler, which should also accompany the monthly account of the Contractor to the Civil Commissioner.

The requisitions for medicines, extra diet for the sick, and clothing should be signed by the District Surgeons, and accompany the accounts as vouchers. It has been usual in many of the Districts to allow the civil Prisoners to hire themselves out to Inhabitants of the Towns during the day, and also to live in their houses, until their evidence is required,

or until any inquiry or order is made respecting the future disposal of them. This practice, as tending to relieve the public expenditure and to encourage industrious habits, may be very properly continued. It has been usual however to charge the Masters of Slaves, of hired Hottentots, and of Prize Negroes with the expences of their apprehension and maintenance in Gaol and of surgical attendance if required, when returned to them after desertion from service, together with those charged for correction which was not public. Altho' these charges when made in conformity to the present tariff are moderate, (those for apprehension being paid to the Constables, those for locking and unlocking the Gaol to the Under Sheriff, and amounting to 9*d.* for each Prisoner if released within 48 hours and 1*s.* 6*d.* after the expiration of that time), yet we think that the difference in the fee may operate as an inducement to the Gaoler to prolong the confinement of his Prisoners, and we therefore recommend that in all cases it should be equalized and fixed at the sum of one shilling.

The amount of medical charges we have found in some instances unnecessarily large, including that which is made for medical inspection of slaves or contracted servants brought into Gaol. The length of time which is frequently consumed in finding out the Masters of Hottentots under contract, apprehended without passes, has also appeared to us to have exceeded a just limit, especially in the Districts where the Police Riders are kept, and ought to have afforded the means of expeditious communication. Such delays add materially to the amount of charge that is made against the Master when he takes back his slave, or against the servant, if he should happen to receive wages under contract.

The proclamation to which we have before alluded, providing regulations for the contracts and services of the Hottentots contains a clause empowering the Commissioned Members of the Court of Justice or Heemraden independent of the infliction of domestic correction by order of the Fiscal and the Landdrosts for non-performance of the service, to punish them with the confiscation of the whole or part of their wages, or with confinement or more severe corporal chastisement. Many circumstances have concurred to add to

the severity of this enactment and to multiply the pretexts for enforcing it, but one consequence probably not contemplated by the Framers of the Law has grown out of it, and has become very general. When the Masters of these contracted servants taken up without passes or in a state of intoxication cannot be found, or will not appear to claim them, the Under Sheriffs endeavour to procure Masters for them, making it a condition that they shall forthwith discharge the Gaol fees and expenses of maintenance, the reimbursement of which the former endeavour to secure to themselves out of the future wages of the Hottentot. The account is generally settled by the New Master before the Hottentot leaves the Gaol, and the contract is executed before the Veld Cornet in the country. We have regretted to observe that the important duty of regulating the terms of these contracts and of affording protection to the Hottentots which the Law had assigned to the Fiscal in Cape Town and to the Landdrosts in the country had in a great majority of instances been left to the first Clerks of these Functionaries, who are in no respect worthy of being entrusted with it. The evils arising from the practice are manifold. An interest is felt by the Under-sheriff (who is generally the Contractor for the supply of Provisions to the Prisoners) in increasing their number by indiscriminate apprehensions on slight pretexts, in the prolongation of the term of their detention in Gaol, and in keeping the Masters in ignorance of it. It leads Masters to overlook the character of the servants whom they hire out of the Prison, and to sacrifice that consideration for the sake of obtaining their services at a low rate. It also makes the Hottentots careless in their future service from the large anticipation which it obliges them to make of the fruits of it, and which is not dependent upon the extent of their fault but the extent of their confinement in the Gaol, which it has not been in their power to diminish. We believe that much injustice has arisen from this practice, and chiefly in the advantage that is taken of the situation of the Hottentots and the inducements that are held out to them to enter into new and injurious conditions. We will not here repeat the observations which we have made respecting the dispensation of the laws which have been enacted for the protection of the

Hottentots, or the hopes that we have been induced to form of an improvement in it, but we will now state that many of the evils which we have observed in the execution of the Laws and Regulations of Police have proceeded from a delegation of power from the Landdrosts to their subordinate agents under the pretext of accumulated occupation, and from the practice of trusting to verbal orders conveyed through careless or interested messengers. We therefore recommend that in future all orders for the confinement, detention, or release of any person in or from gaol shall be made in writing, that they shall be kept and filed by the gaoler, and that in the two first cases they shall set forth the date and the cause of detention, that Hottentots and slaves taken up either under suspicion of desertion from service or for being found in a state of intoxication shall be brought before the Superintendent of Police at Cape Town or before the Judges of the County Courts in the country in 24 hours at the furthest. In cases of desertion from service and where it may be necessary to have the attendance of the master before punishment, the Hottentot or other contracted servant must continue in confinement, and during this period which should be as short as possible consistently with the distance of the master's residence, it is not just, we think, to enforce the labour of the servant as a punishment, and still less to deduct his subsistence if he is made to work for the public during such a period, from any future wages that he may earn. We repeat that the Hottentot or other contracted servant should only be apprehended in cases where the master has given notice of the desertion of his servant to the judge of the County Court.

In cases of drunkenness, and disturbance of the public peace, and where the infliction of punishment may speedily follow the apprehension of the delinquent, the master may be instructed by the judge, and always in writing, to deduct the amount of gaol fees and subsistence from his current wages, provided that it does not exceed one tenth part of the wages due for one year, and in the same proportion for shorter periods, and that it does not include a charge for subsistence during the period in which any labour may have been performed by the Hottentot by way of punishment and for the public. But in cases where the Hottentots or others under

contract are not received into their masters' service after desertion from it without sufficient cause or after any breach of the public peace we cannot recommend that the cost of maintenance and fees of gaol should be deducted from their future wages, but that they should be detained and employed on the public works and then be released.

We proceed to the mention of some circumstances respecting the punishment of criminal prisoners which were not included in our former report on the Criminal Law.

The greatest part of these criminals are kept in Cape Town and at Robben Island, and the remainder at the chief towns of the different districts. Those at Cape Town have been employed in repairing the roads in the vicinity, and in the gardens attached to the country residence of the Governor. They are attended by constables who are armed with cutlasses and by a Military Guard, and it has been found necessary to keep some of them chained when at work. They commence it at eight o'clock and return at six in the evening, taking one hour of rest. The food which they spare from their morning meal is conveyed with them to the place of labour, and some of them are supplied by their friends, but their provisions are cooked for them in the gaol. To economize time and space in the gaol at Cape Town, several working prisoners have been lodged at night under the Batteries which protect the lines and shore of Table Bay, but in their present state these are not proper receptacles for prisoners. Their employment in the garden at Newlands did not differ from that of the slaves and prize negroes, but we observed that until a late period there was a great deficiency of clothing amongst all the working gangs. White men and Europeans are not generally associated with the Hottentots and slaves in this species of work, which from being performed on the principal road which leads to Cape Town is much exposed to public observation.

The labour of the tread mill has been tried at the gaol in Cape Town, and at first with a degree of inattention to the age and circumstances of the criminals, which attracted notice and was corrected. The tread mill was constructed in a closed building, and in the summer season the prisoners from the heat were unable to sustain the labour for a sufficient time to render it an adequate punishment. By constructing a tread-

mill under a shed in the open air it may be found to answer as a useful substitute for flogging in the punishment of men.

In the districts we found that the criminal prisoners were generally employed in the gardens and vineyards attached to the residences of the Landdrosts, especially those of Uitenhage and Graham's Town, from the last of which places escapes had been effected, and were in some degree attributable to the improper appropriation that was made of the labour of the prisoners by the Undersheriff in favor of himself and others, after the taskwork which they performed for the Government had been completed.

The prisoners generally work in chains, but in this state and at Cape Town their escape has not unfrequently been effected.

When not employed in the manner we have described, they are made to clear and level the streets of the different towns, the advantage of which was very conspicuous in the state of those at Graaff Reinet, where we found that only one convict was employed in the Landdrost's garden, and the labour of the remainder, who are sometimes numerous, was usefully applied to the repairs of the Public Buildings and streets under the direction of the Under Sheriff.

Convicts for long terms are not generally sentenced to labour in the districts, but are conveyed to Cape Town and from thence to Robben Island, the situation of which we have before described. The convicts are here placed under the orders of a Commandant, who has generally been an officer of the Military, but is now of the Naval Service. This officer is appointed by the Governor, with a salary of £182 per annum, and occupies a house at a little distance from the prison and the landing place. His instructions are dated 14th September 1819, and he is required by them to keep a list of the prisoners sent to the Island and to make a monthly report to the Chief Secretary to Government, comprising the state of the convicts, the progress of the work, the quantity performed, the complaints which may have been made, and the punishments inflicted. The convicts are required to be mustered twice a day, and in case of their disobedience of orders or misconduct the Commandant has the power of inflicting corporal punishment as far as 39 lashes or solitary confinement.

Offences of a serious nature are to be reported to the Chief Secretary and to the Fiscal. The convicts sentenced to work in chains are not to be released from them, or to have communication with any person except by order of His Majesty's Fiscal.

We have already described the nature of the work in which the convicts are employed at Robben Island, to which we believe it is intended to add the burning of lime formerly carried on at Buckbay, a small anchorage on the coast opposite to Robben Island, and the improvement of the principal landing place by the construction of a stone pier or jetty. This useful work was commenced under the active superintendence of the present Commandant, and with greater projection than it has at present it promises to afford security and shelter to boats, and without incurring any greater expense than that of the labour of the convicts and of their tools. The purchase of some extensive buildings which had been erected by an individual under the permission of one of the Governors for the establishment of a Whale Fishery at a period when it was contemplated to devote the island exclusively to the purposes of penal discipline, having been recently effected, one establishment only remains under a similar permission given to an individual in the year 1806, who employs his prize negroes in quarrying and polishing stone flags for sale. Although this individual submits to some restraints in his communications with the main land, in consideration of the permission that has been granted to him, we are disposed to recommend that arrangements should be made with him for the resumption of the premises that he has erected, and which are not of much value, with a view to secure the entire appropriation of the Island to purposes of penal discipline and labour of convicts and to the prevention of their escape.

The soil of which it is composed is light, but fertile, producing good vegetables and fine herbage for sheep. It is also well supplied with water during all periods of the year.

The shore is accessible in a few places only, and although a heavy surf generally beats upon it a great abundance of fish is taken, of which there is no other mode of disposing than at the market at Cape Town.

The communication with the island is kept up by the person who contracts for the supply of provisions to the military guard consisting of an officer and one company of infantry and to the convicts whose number varies and amounted in the year 1823 to 59.

The house of the Commandant is well situated and tolerably commodious. The barrack for the officers and men is contiguous to the prison, but inconvenient and in bad repair. The prison itself consists of one room about 100 feet long by 16 wide, and a small apartment at one end which contains the European convicts or those who are sent for safe custody until they can be transported or banished. The principal room is ventilated by loop holes, but the roof is insecure and penetrated by rain, the effects of which were evident in the unevenness of the earthen floor. The beds of the prisoners were formed of low wooden frames filled with dry leaves of shrubs and covered with the sheep skins brought in by the prisoners from the interior, but neither bedding, blankets nor soap are allowed them. The clothing they receive consists of an annual suit of blue cloth trousers and jacket, a checked shirt and one handkerchief, but no hats are allowed, although much wanted by the convicts, who are completely exposed during their work. It is conducted at a part of the island which is about two miles distant from the prison, under the direction of a Malay slave of advanced age who is under sentence for life, and who is rewarded for the services which he renders by indulgences of tea and tobacco supplied by the Commandant, and a separate cottage in which he lives, and occasional permissions to repair to Cape Town to visit his wife and children who are free. These indulgences are in themselves so reasonable that we anticipate no objection to the request that he made to us on our visit to have them made permanent.

The labour of three convicts is allowed to the contractor to assist as baker, butcher, and herdsman. The remainder are employed in cutting and polishing stones on the shore, attended by a guard of two soldiers but without any protection from the weather, which we think is required in those places where the work is carried on, and which would not be attended with much expense.

The returns which we have obtained of the number of convicts sent to Robben Island are not so complete as we could have wished. The numbers sent thither in each year from 1820 to the month of October 1823 varied from 24 to 38, and in the month of August of that year the whole number of working convicts upon the island amounted to 49, the terms of whose punishment varied from six months to 25 years and for life, for which term there were 10, one for 25, and eight for 14 years. These consisted of slaves, Hottentots, and free blacks, and we found eight other prisoners, of whom three were white men either confined or waiting opportunities for carrying into effect their sentences of banishment or transportation. These prisoners are not compelled or compellable to work, being only detained for safe custody, a distinction which we found had not always been regarded by the Commandant, but they receive the ordinary allowance of provisions as well as payment for any work which they are willing to perform.

At the period in which we visited Robben Island we found there eight lunatics, one of whom was an English sailor, and two women of colour of advanced ages, who were distributed in a few small huts badly constructed and in different parts of the island. Upon a representation which we addressed to the Governor of their destitute state and the want of medical aid, they were afterwards received into a separate part of the Somerset Hospital at Cape Town.

Independent of the advantages of insular position and general difficulty of access, Robben Island enjoys that of a temperate and pure atmosphere, all of which may be secured with ordinary care to the convicts, and without causing much restraint upon those whose duty it is to superintend and to guard them. Vessels entering and leaving Table Bay do not often drop their anchors near enough to Robben Island to encourage attempts to escape, and we should consider it advisable to confine all communication (except that which may arise from disaster at sea) to the boat which supplies provisions from Cape Town.

Both the military and the convict barracks require repair, and there should be added to the latter some places of separate confinement and accommodation for the sick. Con-

sidering the number of persons, especially the military, who reside upon the island, and the precarious nature of the communication with Cape Town in bad weather, we recommend the appointment of a medical officer, for whose residence and accommodation the buildings lately purchased (although they have suffered from neglect) would afford every facility. In such case it would be practicable to render the island a convalescent post for the military invalids sent from Cape Town, and to prevent as much as possible their intemperate use of spirituous liquors.

The control of the work and the power of punishing the convicts is rightly placed in the hands of the Commandant, who is authorized to call upon the officer of the Military Guard for assistance. It has not been found necessary to resort to severity for the due control of the convicts, but the presence of the military officer who with the guard is changed every month affords a salutary check over any disposition in the Commandant to resort to it upon trifling occasions. Separate reports of offences as well as punishments should be made every month and transmitted to the Chief Secretary, and to the Court of Justice.

The returns of labour should be made to the Chief Secretary to Government only.

The power of which we have already had occasion to make mention and exercised by the Fiscal in sending for prisoners from Robben Island and transferring them to the public works at Cape Town should on no account be exercised by any other person than the Governor through the Chief Secretary, whose orders to that effect should be in writing and filed and kept by the Commandant. The removal should not depend so much as it has hitherto done upon the temporary want of labourers which may have been experienced in the Government Works, as upon individual good conduct when noticed by the Commandant in his returns, and we think that those sentenced for life or for long terms might be allowed to be visited by their wives and children, and in such cases to be always separated from the other convicts.

We have had occasion to allude to the practice of employing the Convicts for long terms in the various prisons of the Colony under the designation of "Caffre Constables," who

assist in cleaning them, in cooking the provisions, in inflicting punishments, and sometimes in attending the convicts when at work. We think that a more sparing resort should in future be made (and always under the sanction of the Governor or Lieutenant Governor) to the services of these men, and that care should be taken in selecting them for the different county gaols to remove them from the county in which their crimes were committed. We also think that some part of the duty of cleaning the prisons and of washing the clothes should be imposed as a punishment upon female delinquents.

No kind of religious or other instruction has been hitherto afforded to the convicts at Robben Island, although some of the Hottentots have manifested a disposition to avail themselves of it when casually offered to them on Sundays. We think that it should be made part of the duty of the Commandant to read Prayers both to the soldiers of the Guard and to the prisoners, and facilities should be afforded to the members of the religious communities in Cape Town who might wish to repair to Robben Island to offer religious instruction to the convicts.

In our estimate of the public charges for Robben Island we have taken credit for a salary to the Commandant amounting to £182. We have lately understood that in consequence of some general arrangement applying solely to military commands this salary has been reduced to £130 per annum, and charged to the head of "Extraordinaries" of the British Army. We are not able to concur in any part of this arrangement, for in the first place the importance of securing the services of an active and intelligent person with a salary sufficient to induce him to devote his whole attention to the prisoners under his charge, to reconcile him to a partial separation from society, and to forego the temptation of employing the labour of the convicts to his own use and profit, has been forcibly brought to our notice by some late events that occurred at Robben Island, and in the next place the charge for superintendence of colonial punishments ranks amongst the first of those which the Colony ought to bear. We therefore earnestly hope that the whole salary may be restored, and that the sum of £35 per annum may be allowed for an overseer, which was not included in our estimate.

It has been usual to allow to the Gaoler of Cape Town, as long as he contracted for the supply of the Provisions to the convicts and the military, permission to graze sheep on the island, and also to employ soldiers or convicts to collect shells for lime-burning, which were sent in his boat to Cape Town. Although the price of the supplies was thus reduced, we conceive that the very nature of the compensation had a tendency to abuse which was not easily detected, and that the advantage of the herbage of the island should belong exclusively to the Commandant, with the exception of such spots of land as might be appropriated for gardens to the best conducted convicts. When the supply of the provisions was taken from the Undersheriff at Cape Town it was offered to the public by contract, but we think that the advantage both of the military and colonial service will be consulted by allowing the supply of provisions to the military and the convicts to be effected by the same person, and placed under the responsibility of the officer at the head of the Commissariat Department.

We will not conclude the subject of gaols without expressing an opinion that the occasional but unexpected visits of the Governor to that of Cape Town, and also to Robben Island, would materially tend to check those abuses which are so apt to connect themselves with the exercise of power in the confinement and detention of the Hottentots and slaves, the two classes of the population which are most subject to it, and to whom complaint is always uncertain and frequently hazardous.

With reference to past experience, we should not be disposed to rely solely on the effect of the periodical visits of the Members of the Court of Justice, and we would prefer that the control as well as the responsibility for the management of the Gaol in Cape Town should remain in the hands of the Superintendent of Police, who should make his reports to the Chief Secretary to Government, but that the Judges of the Court should have the power of making rules and orders for the Government of the gaols and places of confinement in the Colony, subject to the approval of the Governor and Lieutenant Governor of each province.

We are induced to submit in this place the means which exist of providing for the custody of insane persons and the state of the laws under which they are applied.

By the later Instructions of the Batavian Commissioner the care of lunatic persons, who had not been employed in the public service, civil, military, or marine, was recommended to the Burgher Senate in Cape Town, and to that of the Landdrosts in the Country Districts. From want of more specific instructions, the duty of providing for persons in this unfortunate situation has devolved upon the Local Government, and by whose directions they have been sent to Robben Island, where on our visit in 1823 we found eight persons whose cases were those of confirmed derangement, excepting one which had arisen from irritation brought on by violent drinking. In this situation they were exposed to occasional communication with the convicts, but they were not subject to any more particular restraint than that of confinement to their huts in moments of violence, and they were also without immediate medical assistance or superintendence. By directions of the Governor the lunatics were removed from Robben Island into apartments in the Somerset Hospital, a change which under an improved system of management may be rendered beneficial, provided the separation of the lunatics from the other patients is rendered complete, and proper attention is paid to their comfort and accommodation. When the administration of the Burgher Senate ceases, that of the Somerset Hospital together with the funds collected by them will fall under the direction of the Local Government, and we will not now anticipate the recommendations which we have to make upon that subject, and by which we think that this branch of the medical police may be improved. We would however take this opportunity of observing upon the state of the law affecting lunatics.

There exists no particular form of Judicial Enquiry into the condition of persons whose sanity is doubtful. Where relations are present, the nearest of them address a petition to the Court of Justice supported by medical certificates of the insanity of their relation, praying that trustees may be appointed for the management of his affairs, and that the Court would authorize the confinement of his person in some proper asylum. This proceeding is a summary one, and the Court makes such order as it deems fit.

In cases where relations are absent or take no steps, infor-

mation may be given of the state of derangement of any individual to the Landdrost or to the Officers of Police, upon whose application to the Court the same process may be conducted and the same result be obtained. The judicial proof of a return to reason is exhibited in the same manner. Although no instances have come to our knowledge of any positive abuse of this system, yet we consider that the form of proceeding by which either the relatives of an insane person may be enabled to obtain possession of his person and property or a Police Officer to consign any individual to custody upon an alleged ground of mental derangement ought to be subject to more strict proof than that of a medical certificate or of casual violence. In cases of any doubt we should recommend the intervention of a jury for the determination of the question of lunacy, and although it may be fit that the Officers of Police should be empowered after summary investigation to take into custody those lunatics who are found at large and disturbing the public peace or doing injury to their own persons, yet the laxity of proof which we had occasion to observe in reporting upon a case of this kind, or rather the reliance that was placed upon a medical certificate without reference to other circumstances, renders it desirable that no removal of any person on account of lunacy should be made from any gaol to any hospital or place of reception without an immediate report to the Chief Justice of each province. The Superintendent of Police and the Wardmasters in Cape Town, and the Civil Commissioners and Constables in the different Counties, should be instructed to report the names and condition of all lunatics within their respective jurisdictions to the Courts of each province, to whom should appertain the right of making inquests and orders touching the sanity and future disposal of their persons and properties. In case of there being no means within the county of providing for their custody and good treatment, they should be removed to the Somerset Hospital at Cape Town, and a report of their condition and progress should be made every half year by the Surgeon to the Courts and to the Chief Secretary to Government.

Although it seems to have been an object of some importance to the Dutch Government to provide against the

occurrence of those disputes which are incidental to the pursuit of agriculture in grazing Countries, by making a wide distribution of the farms, yet such is the scarcity of water and good pasturage throughout the greatest part of the Colony, and such the difficulty and reluctance to make durable or effectual fences, that the trespass and impounding of Cattle formed one of the most general causes of vexation and disturbance. Several regulations have been made both by the Dutch and English authorities which we find to be nearly uniform in principle but differing from each other in the amount of penalties to which the owners of stray cattle were made liable. The strictness with which they were enforced seems to have borne a more natural proportion than their amount to the value of cattle and sheep in the different districts of the Colony, but the accumulation of them in the hands of individuals, and the silent appropriation of their labour had become so notorious that it was deemed necessary to cause an annual muster to be made in some districts of all strayed cattle, to invite claims to be made, and to proceed to the sale of those that were not claimed.

Most of these regulations provided a speedy mode of adjusting questions of damage, by submitting them to the decision of the Veld Cornets of each district and two inspectors, with an appeal to the Courts of Landdrost and Heemraden, but they enjoined that no allowance should be made for damage done in the town allotments called "Erven" unless they were properly fenced. The motive assigned for this last regulation (and which we conceive to have been a judicious one) was the limitation of the size of new town allotments, the discouragement of their cultivation in grain, and the holding out inducements to the settlement in towns of tradesmen and mechanics instead of farmers and graziers. The later regulations permitted the inhabitants of the towns to keep and depasture a certain quantity of cattle upon the land which was annexed to them, with a view to their supply of milk, but expressly not for draught, which it was apprehended might operate as it has done at Uitenhage in the maintenance of individuals in idleness upon the profits derived from the employment of their cattle. The good effects of an adherence to these measures are as strikingly manifested in

the village of Graaff Reinet as the evils arising from a neglect of them were in the state of Graham's Town and Uitenhage when we visited them in 1824, independent of the personal interest which the Landdrosts of both those places then derived from the possession of two town allotments which we found to be destitute of fences. At the former place indeed, the sale of green forage cultivated in the town allotments for the supply of the Cape Cavalry formed a material resource to several of the English settlers, who after contending in vain with the devastations of cattle upon their unfenced lands in the country took refuge in the town. The appropriations which were made of the land that had been annexed to it, and of which we took notice in another Report, made it necessary to drive the Town Cattle as well as those that were impounded to a considerable distance from it, and led also to numerous trespasses upon the intervening lands which still continued to be unfenced though to a certain extent cultivated. The regulations for pounds were in this state of neglect and uncertainty when the public attention was called to a Government Minute issued by the command of the Governor, but without the advice of his Council, and dated 17th June 1825, the spirit of which will be found to differ from that of the former regulations, but a reduction was made in the pound fees, which had been certainly much too high and in some instances very oppressive.

A power is given by the regulation to any person who finds cattle trespassing upon his property to send them to the nearest pound, and a penalty is provided for detaining them beyond 24 hours. It authorizes the demand of 1s. 6d. for each head of cattle and for each dozen of sheep or goats impounded for trespass upon what are termed *town enclosures*, and of two skillings or 4½d. for similar trespasses on land in the country, with an allowance of the same sum for each mile that cattle declared in writing by the owner of land to have been found trespassing upon it may have been driven to the pound.

The Pound Master is allowed to make a charge of 3½d. per head per diem for herding Cattle and Pigs, and 4½d. for each dozen of sheep or goats, and he is declared to be responsible for injury sustained by them arising from his neglect or that of his servants.

After the lapse of three weeks without claim and one for notice the cattle impounded are liable to be publicly sold, and the proceeds after deduction of the pound fees are ordered to be retained by the Landdrost for the parties interested. Pound breach is subject to a fine of 100 rixdollars or £7 10s. sterling. The assessment of damage done by stray cattle if reported within 12 hours is to be made by the Veld Cornet, and if not satisfactory may be referred to the Landdrost and Heemraden, or if at a distance from them to arbitrators chosen by the parties, in the event of whose difference the Veld Cornet is to decide. In case of trespass committed on town allotments not properly enclosed, only one half of the damage assessed is to be levied.

One of the principal causes of expense arising from the system of impounding cattle, and for which these regulations do not provide, was that which arose from want of notice or description of the cattle impounded by the pound keeper, and we much suspect that the profit derived by these persons from the herding of the cattle, and for which by the new regulation they are allowed to charge $1\frac{1}{2}$ skilling or $3\frac{1}{4}d.$ per head per day will indispose them to make any active enquiry after the owners of impounded cattle, who in many cases have preferred abandoning them altogether to the heavy expense of redeeming them. As the responsibility for cattle impounded has been fixed by the regulations upon the pound keeper (a point which in the district of Albany had been considered doubtful), the rate allowed for the food and care of them may be just, but we should observe that the only expense which the pound keeper incurs in the herding of impounded cattle is that of paying annual wages to a Hottentot, amounting perhaps to the sum of 72 rixdollars or £5 8s. Sterling, the land upon which the cattle graze being always public. In cases also where the pound keeper receives this fee, he should be bound to keep the pound in repair. We are disposed to think that the fee of eighteen pence for each head of cattle brought to the pound is yet too large in the districts where cattle are plentiful, and we should propose a further reduction of it to one shilling per head. We further recommend that no person shall be entitled to compensation for the trespass of cattle, and that no pound keeper shall be authorized to demand any

fee for impounding or feeding them, who shall have neglected to give notice in 24 hours afterwards to the constable of the district in the first case, and of publishing a description of each head of cattle or animal impounded before the expiration of one hour from the period of their being impounded either on the Church or Court Door or some other place of public resort.

The mode of determining the amount of damage in cases of trespass by reference to the constable is attended with convenience, but we think that in case of either party being dissatisfied with his judgment the case might be referred to juries of four persons summoned to try it before the Judge of the County Court, whose decision should be final. We think that this recourse will tend to make the constables more careful in their decisions, and the parties less dependent on their favour, and with a view to prevent vexatious appeals power should be given to the Judges to condemn the unsuccessful appellant in the full costs of the appeal. In concluding this subject we think it necessary to observe that regulations of a general nature by which penalties are created and duties prescribed should be published in a more solemn and authentic form than that in which they now appear of a Government Minute.

The regulations to which the sellers by retail of wine and spirituous liquors are subject are contained in the Proclamations issued by the Acting Governor Sir Rufane Donkin dated 22nd August 1821, confirmed and extended by two of a later date, and issued by Governor Lord Charles Somerset on the 25th April and the 14th November 1823. By the system which had antecedently prevailed in the colony, and which was continued by the first of these proclamations, the privilege of retailing wine and spirits in Cape Town and in the Districts was purchased at open sale, and assigned to the highest bidders, who were permitted to open as many tap-houses as might be determined by the condition of the letting, remaining at the same time responsible for the conduct of their retailers and for fines and penalties incurred by them. To prevent the sale of bad or adulterated wine, authority was given to the Fiscal, Landdrosts, and Residents to inspect the stores and cellars of the Wine Farmer or holder of a licence, and upon

finding that deteriorated or adulterated wines or liquors had been sent for sale to the retailers to fine them in penalties of 150 rixdollars (£11 5s.) besides the immediate spilling of the wine without form of process.

Gambling in the houses of the retailers was prohibited under penalties, as well as the taking in pawn any arms, tools, wearing apparel, blankets, or any suspected article brought by soldiers, sailors, Hottentots, free blacks, or slaves, or taking any thing from them but money. The offence of concealing such persons in their houses and of not reporting them after 9 o'clock to the nearest Undersheriff was made punishable, and where the harbouring of slaves and prize negroes should be proved to have been committed with intent to conceal them, a penalty of one hundred rixdollars was incurred with a forfeiture of the licence. It was further ordered that all persons selling and retailing Cape and Foreign Wines should have signs or boards at the outside of their houses and a description of the wines and liquors sold in them.

By a later proclamation the retail of wine on their Estates by the Growers within the limits of the Wine farm or licence was totally prohibited, and no shops or houses wherein it was retailed were allowed to be opened before sun rise or after nine o'clock in the evening, and on Sundays and church days from 9 till 1 o'clock or from 3 to 5 o'clock P.M. By this proclamation it was also declared to be lawful for the Fiscal and for the Landdrosts in their respective districts upon an affidavit duly signed and sworn by one or more credible witnesses to order houses, rooms, or enclosed yards stated or suspected to be kept for disorderly or illicit purposes to be entered and searched, and the keepers of such houses to be taken into custody without any previous warrant of the Governor or Chief Justice.

By the later regulations of Governor Lord Charles Somerset, the system of selling the privilege of retail denominated the "Pacht" was abolished in Cape Town, and it was required that every applicant for a licence to retail Cape Wine, Cape and Foreign Brandy, and other spirituous liquors should procure from the Wardmaster and two respectable householders of the ward in which he proposes to open a house, a certificate of good conduct to be produced and subject to the

approval of a Committee appointed by the Governor, and consisting of His Majesty's Fiscal or the Deputy Fiscal, the Landdrost of the Cape District, the Auditor General and the Comptroller of Customs, two of whom may form a quorum. The sum payable for the licence was declared to be Rds. 1,500 or £112 10s., and the holder is not allowed to open more than one house, but he may fix the situation of it in the place most convenient to him, saving any reasonable objection on the part of the Fiscal.

Licences of the same kind were required for the supply or sale of spirits and wine to vessels in the Port, or for opening a military canteen in the barracks, for keepers of society houses or billiard tables as well as for keepers of Hotels and eating houses, unless they purchase their liquor from any of the licensed retail dealers, and they are enjoined to report their names to the Fiscal and to the Wardmaster, and are prohibited from selling or disposing of wine and spirits to other persons than customers at their tables or boards.

By the more recent regulation the character of the retailer of wine and spirits (which by the former system was dependent upon the choice of the Wine Farmer with the single exception of their being Burghers of the Colony) has been entrusted to a Committee, who possess the means of informing themselves of their conduct in the intervals between the annual renewal of the licences, and might exercise a discretion on the approval or rejection of a certificate in favor of an unworthy applicant. The number of licensed retail houses in Cape Town amounted to 45 in the year 1824, to 31 in 1825, to 33 in 1826, and to 23 in 1827. We were informed by the Deputy Fiscal that during the existence of the Pacht the retail houses were less dispersed in Cape Town, and that the control of them was consequently more easy than it had been during the later periods. Although it has been usual to appoint Police Constables in the immediate vicinity of the principal retail shops, they have not exerted themselves in preventing riot and disturbance. The excesses of the lower orders in the day time, and especially on Sundays, in the vicinity of the licensed houses became the subject of general observation and complaint, and have led to the insertion of a condition in the licences to the observance of which the grantees now bind themselves under a penalty of ten

pounds for each default, restraining them from selling wine on Sundays before two o'clock in the afternoon except to travellers, and from selling or disposing of any Brandy or other spirituous liquor on Sundays during any period of the day.

Although some check upon the misconduct of the retailers in their houses and the sale of wine of bad quality, both of which were feebly provided for in the proclamation of 22nd August 1821, has been afforded by the appointment of a committee to whom the certificates of good conduct were referred, and also by the competition of those who now take out licences, we fear that the correction of the practical evils consequent upon the greater cheapness of wine and spirits depends much upon the steadiness and integrity of the police officers. We beg leave however to suggest some alteration in the composition of the Committee, by proposing that the Judge of the County Court and any Magistrate in the Commission of the Peace, the Treasurer, the Collector of Taxes, the Superintendent of Police, and the Captain of the Port should be substituted in the places of the Individuals named in the proclamation of the 14th November 1823, as being more qualified from their official knowledge to form correct judgments of the character of persons who are fit to receive licenses. We also recommend that it should be an instruction to the committee to reject all certificates which are signed by persons who are licensed wholesale dealers in wine, as any connection which should render the retailers by license dependent upon licensed wholesale dealers in wine would have a tendency to limit the former in the choice and purchase of it. We further recommend that in the applications for licenses the parties should state distinctly and exactly for the information of the Committee the places and streets in which they intend to open retail houses, as inconvenience has been found to result from the interruption of the sale after it had been established without sufficient consideration of the localities.

The committees for issuing licenses in the districts should be composed of the Civil Commissioners, the Judges of the County Courts, the Chaplain or Minister, and the Senior Church Warden.

In addition to the check which at present exists upon the conduct of the retailers of wine and spirituous liquors, we

think that the licensed dealers would become more careful if they were required to enter into recognizances in sums not exceeding £50 Sterling at the time of granting the licenses, which should be liable to forfeiture for their permitting any gambling with cards or dice in their houses or premises, for suffering any person to become drunk or to remain tippling or drinking after nine o'clock, or on Sunday at any hour (excepting always moderate refreshment to travellers), or for suffering any disorder to be committed in their premises. We should further recommend that it should be made lawful for the Superintendent of Police and any Magistrate in the Commission of the Peace or any constable duly authorized by them to demand entrance into any house licensed for the retail of wine and spirits during any hour of the day or by night, provided that the holder of the license and his family should not be retired to rest, and that a conviction for having refused admission to such persons before 9 o'clock at night should be a forfeiture of the license and ground for refusing one in future.

The regulations we have mentioned have chiefly applied to the sale of wine and spirits in Cape Town and Simon's Town, but those which the several Boards of Landdrost and Heemraden were authorized to make in their respective districts by the 36th Clause of the proclamation of the 22nd August 1821 have pursued nearly the same principle of monopoly, although in a few instances it has been regulated by some consideration for the morals of the people. Thus the "Pachter" or Farmer in the District of Uitenhage was bound by his contract made in the year 1823 to abstain from selling any liquor or wine to the constables or other persons employed on the public works without leave of the Landdrost, or in like manner to Hottentots of the Missionary Institutions of Bethelsdorp or Enon without leave of the Missionaries, to Hottentots under contract, or to slaves without leave of their masters.

In Albany the system of the Pacht has been very recently abolished, and the retail of wine and spirits has been regulated by licenses, the value of which has varied according to the population of the places in which the retail is established. Six canteens were opened in Graham's Town, five at the different military posts and at Bathurst, and nineteen in the district in

the year 1826. Much of the profit which the revenue of the district of Albany derives from these licenses is attributable to the consumption occasioned by the number of military or free persons compared with that of other districts. We are disposed to infer from the number of gaol commitments which took place at Graham's Town during the year 1826 for intoxication, that the indulgence in the use of spirituous liquors has increased with the temptations. At the same time we must add that under the system of the Pacht which prevailed in the former years, and especially in the years 1823 and 1824, scenes and disorders of the most disgusting kind, and arising from the intemperate use of spirits, were very frequent in the streets of Graham's Town, not confined to the Hottentots alone, but comprising individuals of the lower order of European settlers, who upon these occasions did not disdain association with them. The restraint of such outrage to public decency may be always effected by ordinary attention on the part of the resident magistrate, and we trust that in future no consideration of the local revenue will be allowed to interfere with the rigorous exertion of those powers of executive police by which alone such outrages can be restrained. On the other hand we must repeat that the encouragement which an ample participation in the penalties for infraction of the regulations holds out to the Police Officer and the informer ought not to suffer diminution from the share in them which the colonial usage had assigned to the public prosecutors. The whole amount should be divided in equal shares between the informer and the Local Government.

Having formerly recommended the adoption of the system of licenses in the other districts of the colony, we would here propose that they should be annually distributed by committees consisting of the Judge of the County Court, the Civil Commissioner, the Chaplain and Senior Churchwarden. The right should be reserved to the Governor and Lieutenant Governor of sanctioning the number as well as the locality of the retailers of wine and spirits in each County, and as the parties licensed will act upon their own responsibility and not upon that of the "Pagter" or Farmer, the names of each should be required to be painted in legible characters on the board which, by the present regulation, is required to

contain only the sign and the description of liquor that is sold.

In considering the regulations which apply to the Markets throughout the Colony, we shall confine ourselves to those which strictly appertain to the police, and reserve the consideration of those which affect the freedom of trade until we enter upon that subject. The power of enforcing these regulations has been divided between the Fiscal and the Burgher Senate, and the authority which was possessed by the former, but very rarely exercised by him, is now transferred to the superintendent of police. The principal regulations were issued on the 27th April 1812, and, with additional ones of a later date, have been published in the *South African Almanac* under the sanction of Government. They provide for the due admeasurement and weight of all articles sold in the town or in the market by reference to the standards kept at the Town House. They also give power to the Fiscal and to the President of the Burgher Senate, themselves or to depute others, to enter the shops of retailers, bakers and butchers, and other places where trade is carried on, to examine the weights and measures, and if any be found defective to fine the owner in the sum of two hundred rixdollars (£15 sterling); refusal to exhibit measures and weights being considered and treated as fraud, the shops in which they are found being also liable to be shut up. The new market to which the later regulations apply was held from sunrise to eleven o'clock in the forenoon and from two o'clock in the afternoon to sunset, but in the year 1816 the period was extended to the whole day for waggons and goods, for which a fee of 2 skillings (or $4\frac{1}{2}d$) was payable for registration of them in the Market Book.

The overseer of the market is charged with the notice of frauds, which he is to report to the Fiscal, but disputes relative to transactions entered into at the market are submitted to the decision of the overseer with an appeal to the Burgher Senate, who are without loss of time to investigate and finally determine the case.

With a view to prevent the evasion of payment of the market dues, it was ordered that no waggons or loose cattle subject to them should be permitted to pass the turnpikes

at the lines after gunfire at sunset nor before gunfire in the morning, under a penalty of one hundred rixdollars.

Several waggons therefore assemble at the gates before these hours, and are also found during the night on the roads leading to the town, much to the inconvenience of travellers, but if the market dues should be abolished in compliance with our former recommendation, the necessity for this regulation will no longer exist, and the waggons and oxen may be permitted to enter the market at all hours and take their stations in it as they arrive. The situation of the new market is more convenient to the sellers than to the buyers of produce, for it is held at the entrance of the town in the centre of a spacious area which is surrounded by a low wall. Two roads from it lead to the town, one which passes over the drawbridge and through the lower works of the castle, the other over a small and inconvenient stone bridge which crosses the stream by which the ditches of the castle are supplied.

Considering the number of waggons and oxen that pass these confined roads in the course of the year and the impatience of the drivers, it is rather matter of wonder that more accidents and disputes have not arisen. Much benefit has resulted from the attention paid to the regulations contained in a proclamation of the Earl of Caledon regulating the access and egress as well as the conduct of the waggoners, but until it shall be determined to remove the whole or part of the castle walls, which may be considered to be inapplicable to the military defence of Cape Town, we fear that no better or other communication is to be obtained between the market and the town, more especially to that part of it which is resorted to by the farmers from the country for the transaction of their business.

Great advantage and convenience to the Inhabitants has been derived from the concentration of the butcher's market in a new building that has been erected on the shore of Table Bay between the castle and the town, and limiting the passage thither of drove cattle to one of the two roads that we have just mentioned. Frauds in the sale and weight of meat by the butchers appear to have been deemed worthy of special attention, as by one clause of the regulations His Majesty's Fiscal, the Members of the Burgher Senate, and the Chief

Officers of the Market are authorized to visit and inspect the butchers' shops as often as they may think proper. No cattle are allowed to be slaughtered nor meat or fat to be sold until they have been approved by another officer named the "Selector of Cattle," under a penalty of 200 rixdollars and forfeiture of the butcher's licence.

Regulations also are made for the daily cleansing of the shambles, and penalties annexed for the neglect of them, but they are not enforced with that strictness which is requisite at most seasons of the year, and although the position of the shambles, their contiguity to the sea, and an abundant supply of fresh water ought to have superseded the necessity of having recourse to them.

It would however contribute to the comfort of the inhabitants of the same street and neighbourhood if the stalls for slaughtering the cattle were removed to a little distance from the town, and to the position now occupied by the Military Hospital on the seashore which it is proposed to abandon. By this alteration the effluvia arising from the exposure of animal remains on the sea shore would be dispersed before it became noxious, and the drove cattle would not interrupt (as they need never enter) the passage to the town.

The Burgher Senate were particularly charged with the superintendence of the manufacture and sale of bread and the occasional inspection of the weights and measures as well as the regulation of the price of each kind of bread, which is made public at the commencement of every week under the signature of the Secretary together with the names of the licensed bakers who engage to sell certain quantities at prices fixed by the Burgher Senate. The initials of the baker were required to be impressed upon each loaf, but not the weight. Penalties and forfeiture of licence are provided against the sale of bread found to be of insufficient weight and quality, and the same power of entry and inspection is given to the Fiscal and Members of the Burgher Senate with regard to the shops of the bakers which is authorized in those of the butchers. We shall have again to notice these regulations as they affect the trade in corn, but we believe that they have not been enforced with the firmness which is requisite to protect the public from imposition, and that the direction of the measures

by which such frauds are most easily detected may with advantage be transferred from the Members of an irresponsible body to an officer who (as in the case of the Superintendent of Police) possesses in a greater degree the means of detection, and whose responsibility for the use or the abuse of them may be always questioned by the superior authority to which he is amenable.

The regulations and precautions to which the inhabitants of Cape Town and other towns are subject for the prevention and extinction of fire were collected and published by General Janssens and the Council of Policy in the year 1804. By this code a new Board of Fire Wardens was established, consisting of a president, vice president, and six senior wardens, to whom authority was given in cases of fire to enforce the instructions which had been framed for their guidance, and which are laid down with a degree of minuteness and care that marks the sense entertained of the danger to which the town would be exposed by fire, in a climate in which long continued drought is so prevalent, and at a period in which the means of extinguishing it were not so much at command as they have fortunately been since the introduction of the water pipes. The purchase, care and superintendence of the fire engines were entrusted by the same regulations to the Burgher Senate, who appoint an inspector and other officers, whose gratuitous duty it is, with the fire wardens, to examine and exercise them on the second Monday of every month in summer but not so frequently in winter. The seven engines now kept at Cape Town were those used in the time of the Dutch Government. They are drawn and exercised by the Free Malays, who are called out on these occasions by the Inspector, forty or fifty being attached to each engine, and liable to imprisonment and corporal punishment for non attendance or neglect. The exercise of the engines commences at six and lasts till eight o'clock A.M., with an hour to dry the leathern pipes and an hour in the evening to replace the engines.

The signal for the breaking out of fires is made by beating a drum at the Stadhouse, or tolling the castle and church bells. During the fire the fire wardens have authority to compel all idle bystanders to give their assistance, and it was also ordered that all inhabitants who possessed slaves should furnish a

certain proportion of them according to lists which were to be framed by the Wardmasters. It was also ordered that property removed for security should be returned in 24 hours to the owner, but if he should be unknown it was to be delivered to the Fiscal who was to advertise it. By an enactment similar in spirit to one which we noticed against the offence of stealing from wrecked vessels, the diversion of water from the place of fire or obstruction of assistance in extinguishing it is declared to be an offence severely punishable, either corporally or with death according to the circumstances of the case, and without form of process if the offender be taken in the fact, for which purpose the Members of the Court of Justice are required to assemble in cases of fire and to continue their sitting at the Court house until the fire is reported by the fire wardens to be extinguished.

Considerable authority is also given by these instructions to the fire wardens to enter houses and to examine the chimneys, to control the construction of fire places as well as of ovens, and to prevent the use of wood-work in the former. But in the year 1822 the Burgher Senate framed some further regulations by the advice of His Majesty's Fiscal, and which received the sanction of the Governor, requiring every proprietor of a house to apply to the Burgher Senate and to follow the directions of the person whom they might appoint either in erecting or altering any fire place, chimney or funnel, and for giving which directions this person, who was the Superintendent of Government Works, was entitled to receive a fee of two rixdollars (three shillings sterling), the parties being at liberty to employ whom they pleased or the superintendent himself. A penalty of 25 rixdollars was attached to any neglect of this regulation.

The management and direction of the iron pipes by which Cape Town is supplied with water was committed by the Burgher Senate to the individual who was sent from England to superintend the first placing of them, and he has the custody during the night of the key by which the pipes, which conduct the water from the great reservoir above the town to the different fountains, are closed at night and opened in the morning. This superintendence was lately transferred to the Civil Engineer, and we shall have occasion to revert to it

in the mention of the other public works which fall within his charge.

Although the improved supply of water to the town by the introduction of iron pipes, and the regulation of the Governor and Council of 1804 preventing the use of thatched roofs in new houses, has increased the general security against fire, yet we believe that there is no danger of which the inhabitants stand in greater dread, and considering the size and value of many of the houses, their contiguity to each other, and the recent introduction of insurance, there are no measures of police which are more deserving of attention than those which have a tendency to prevent the occurrence of such an evil or to counteract its injurious effects.

When the administration of the Burgher Senate ceases, the care and superintendence of the engines may we think be properly confided to a Board of Firewardens, consisting of a president and five members, who should be charged with the care and custody of the engines and equipage attached to them, with the exercise and service on the first Monday of each month, and who should report on these occasions to the Superintendent of Police the condition of the engines and their fitness for use. The services of the present inspector might be continued, but not gratuitously as they have hitherto been.

We have already attempted to explain the grounds assigned for the demand that is made upon the services of the free Malays, of whom there were 548 upon the lists of the Burgher Senate in December 1824 liable to the monthly exercise of the engines. It is stated to have been founded upon usage which was interrupted as late as the year 1804 under the Government of General Janssens, who in framing the regulations to which we have adverted, as well as those of the wardmasters, required that lists of the number of Slaves held by the proprietors in each ward should be furnished to the Board of Fire Wardens, who were to require the attendance of slaves in the proportion laid down in the 26th article in cases of actual fire. Although it appears that the local government has since that period silently sanctioned the instructions to the Wardmaster by making them public annually, yet we find that the burthen thus thrown upon the proprietors of slaves has never been enforced, but that it has continued to be exacted from the

free Malays under pain of imprisonment and of corporal punishment. We advert with more particularity to this circumstance, as it creates an invidious distinction between the classes of the free population of colour for which there now exists no just foundation, and throws a burthensome duty upon one class regardless of their condition and circumstances, for the benefit and protection of others, which we presume it to be the wish of His Majesty's Government to distribute as equally as possible amongst all. We cannot therefore concur in the application to the Malay inhabitants of the principle upon which the local Government justified the future employment of them in this service and declined to afford relief from it in the answer that was given by the Chief Secretary to Government to one of the individuals of the Free Malay population.

While we venture to urge this claim of exemption in favor of the Malays, we would not be understood as recommending a transfer of that burthen exclusively to the owners of slaves. We consider that the services of a body of men experienced in the use and exercise of the fire engines and capable of being collected at a short notice are very requisite for providing security against the extension of fire when it breaks out in Cape Town. They should receive pay for their attendance on each day of monthly exercise, and should be selected by the Board of Fire Wardens from the class of free mechanics in each ward without reference to their colour. They should also receive pay, as well as remuneration for their services in extinguishing fire or saving property, and they should be distinguished by a dress or mark to be worn whenever they are called out. We consider that 150 efficient men would be required for the service, and their pay might be defrayed out of a rate to be assessed on all houses and stores in Cape Town in proportion to their size and value. This establishment should not be understood as superseding the right given to the Fire Wardens to employ all bystanders in the event of fire occurring, and also that which is given to the wardmasters to compel the attendance of slaves inhabiting the ward in which a fire breaks out.

The supply of water during fire is allowed to depend too much we think upon the attention of one individual, who is entrusted

with the key of the principal pipe, and has been retarded in consequence of the practice which he observed of locking the water at the great reservoir every evening and keeping the pipes empty during the night with a view to economize the consumption. Independent of the injury of the iron pipes from corrosion and some consequences affecting the health and comfort of the inhabitants, and which were found to have their origin in this practice by a very competent committee appointed to enquire into it in the year 1825, we fully concur in that part of it wherein they recommend that the water-pipes should be kept full during the night, and that to prevent the waste of water, pumps should be more generally erected in the town instead of the fountains now in use.

As connected with this subject, we will advert to the situation of the canals in Cape Town and to the facilities which they are considered by the Dutch inhabitants to afford for the extinction of fire.

The largest canal is that which divides the principal street called the Heeregracht and also encloses the large space called the Parade. There are canals of smaller dimensions in three other streets, and they derive their supplies of water from the streams which issue from Table Mountain and which are confined by means of sluices in particular portions of the canals. In the prevalence of rain the water descends with great violence, but in dry weather it is not sufficient to keep them full or clean, and severe penalties have been enacted to prevent the accumulation of dirt, and the attention of the police officers is specially directed to that object during the day. It has also been necessary to construct numerous bridges of wood and stone over the canals, which have fallen into decay from want of timely repair and attention. We have reason to believe that the continuance of these canals has depended more upon the national predilections of the Dutch inhabitants than from any real security which they are calculated to afford in cases of fire. Their state in dry weather is such as to create reasonable suspicions of their insalubrity, and the space that is occupied by the large canal in the Heeregracht materially interferes with the convenience of passengers and carriages in one of the principal communications.

We recommend therefore that the canals in Cape Town should be filled up, and that a covered drain should be carried through the principal one from the place where the canal enters the Heeregracht opposite the Government Offices, and that it should be continued to the south angle of the Parade. The dimensions of two bridges which have lately been constructed of brick over this canal will not interfere with the covered drain, and when the battlements are removed the whole width of the street may be levelled and the communication greatly improved.

With regard to the supply of water to Cape Town for general purposes by means of the cast iron pipes, we can only add the tribute of our commendation to that which has been so often and so justly expressed towards the author and projector of the measure, and the means which were thus afforded to the inhabitants of economizing the labour of their slaves by whom it had formerly been conveyed, as well as of contributing to their domestic comfort by providing an easy access to an article so essential to it. From the number of leadings which have now been obtained to private houses, independent of the large supply which is afforded for the use of the Government House and the Castle, from the increase in the population and the wants of the shipping, all of which have a tendency to increase in the course of long protracted droughts, the supply of water, which is derived from one principal source (taking its rise in the garden of an individual situated above the town), although at other times sufficient, is considerably reduced, and is inadequate to the demands of the wine merchants who are disposed to take pains in the washing and cleansing of their casks. The period also in which water may be said to be scarce is also that in which the most serious accidents from fire may be expected.

It is from these considerations that we are induced to recommend that the local Government should avail itself of the right which the town may be found to possess to the occasional supply of another and smaller stream of water which flows from Table Mountain, passing along the estates of certain individuals to whom they were granted, and who have derived considerable profit from the use of the water in the cultivation of gardens by which the town is inadequately supplied with vegetables.

In the year 1774, we find that by a resolution of the Governor in Council an arrangement that had been proposed for the distribution of this stream amongst the neighbouring occupiers of land was approved, and a reservation made of the use of the water from the hours of seven o'clock on Saturdays to four on Sundays in favor of the public, and for the purpose of refreshing the canals of the town.

In the event of the removal of the canals, this application of water will be no longer required, and it may then be turned into the great reservoir, but if it should be found insufficient, and in the event of the Crown not being found to possess a right to a larger, or to have been divested itself of that which is included in the general clause of reservation inserted in all Grants, we should recommend that a power be given to the Governor and Council in this and similar cases, where the use of land or water, over which no right has been reserved, is required to be resumed for purposes of public and manifest advantage, to proceed therein by equitable arrangement with the proprietor, upon the sworn appraisement of two skilful persons, mutually chosen, and in case of their difference, to refer this question to the decision of a jury of eight persons, before the Court of Circuit of the County in which the right arises, and whose decision should be final. The improvement of most of the District Towns, and the means of augmenting the number of their inhabitants, depend in a principal degree on the distribution of the water derived from springs, which in some instances have not been sufficiently reserved for the uses of the public, or protected from subsequent encroachment.

We are not aware of the existence of any other regulations for the prevention of fire than those which we have mentioned as issued under the authority of General Janssens and his Council of Policy, and those of a later date by the Burgher Senate with the sanction of Lord Charles Somerset.

We think that the spirit of these regulations is good, and founded upon a due regard to the public security, both by preventing mischief from fire, and preparing against its occurrence, and we think that the substitution of terraced roofs for thatched ones has tended to the security of Cape Town. The danger arising from bad construction of chimneys has much increased of late by the introduction of fire places and

the use of coals, which as other fuel becomes scarce will become more general, and it is one of those silent but gradual approximations to English habits which the Dutch inhabitants have made, and which will contribute in no small degree to render a residence in Cape Town agreeable to English visitors, provided it be unaccompanied with danger arising from bad or ignorant construction.

The repair, alteration, and improvement of the streets and avenues to Cape Town, and of the water courses, drains and sea front, were placed under the direction of the Burgher Senate by instructions issued at various periods, but especially by those of the Batavian Commissioners, and they have at different times exercised authority from the Dutch and British Governors to levy a tax upon the inhabitants for defraying the expenses that might be incurred in such works. The extent of their jurisdiction is described in the 8th article of the provisional instructions, and those issued for the government of the Cape District, by which last the Ward No. 26, although situated beyond the lines, and known by the name of the village of Papendorp, was included in the former boundary, which on that side was the military lines. A plan of Cape Town is in possession of the Burgher Senate, but it does not exhibit the later allotments of vacant ground which have been disposed of by them with the sanction of the Government. The principal communications with Cape Town are broad, straight and regular, and the gentle declivity of the Valley of Table Mountain to the Sea affords every facility for drainage, and for preserving cleanliness. Water is conducted in paved and open gutters on each side of some of the streets, and in the centre of others, and there are no other obstructions to the current than those which arise from the inattention or connivance of the ward masters, who have the power to order, and cause them to be removed at the expense of the parties, or through the neglect or delay of the town carts employed by the Burgher Senate in the removal of dirt and dust from the streets.

Great inconvenience however has arisen from a deference to the habits of the Dutch inhabitants and to their predilection for raised terraces called "Stoeps" and built of stone and brick in front of their houses, and which have been allowed to

interfere with the space otherwise devoted to foot passengers in the narrow streets and to approach the gutters too nearly in the broader ones. The Burgher Senate possesses authority to remove all such projections, and their permission and sanction are necessary in the alteration of stoeps, drains, and steps. We apprehend that it is now too late to apply a remedy to this inconvenience, which is very general, but we recommend that it should be avoided in future, as it interferes with the space which might be devoted to the convenience of foot passengers, and houses should in future be built more upon a level with the street or not so much above it as to require the projection of steps.

The centre parts of the streets are laid with gravel, which soon pulverises in the dry weather, and occasions much inconvenience during the prevalence of the strong south east winds in the summer, but the roads of gravel are preferred by the inhabitants to stone pavement, and are less injurious to the feet of oxen. That part of the road to Cape Town which leads from the military lines has been suffered to remain for a long period in a state which has been sometimes dangerous for carriages, and at all times inconvenient for the numerous individuals of all ranks who pass it. The construction of the road and the materials used were equally defective, and it was only at a very recent period that any attempt was made to improve the only access to Cape Town from the country. We perceived that a larger and an undue share of attention was given by the Burgher Senate to certain roads in which the public was less interested, but we saw reason to approve of the attention that was given to one which leads from Cape Town to Green Point over a flat and open space of ground to which all classes of the inhabitants are accustomed to resort for health and recreation, and that the Burgher Senate judiciously made objection to the establishment for the boiling and preparation of whale oil upon the sea shore, the effluvia from which might have obstructed the pursuit of objects so desirable and beneficial. The formation and repair of a carriage road round the Lion's Hill, situated to the westward of the town, has not been productive of the same convenience to the inhabitants.

No general regulation exists for lighting the streets of Cape

Town, but in consequence of an application said to have been made by some of the inhabitants of the two principal streets to the Earl of Caledon in the year 1809 to light them at their own expense, the owners of houses or warehouses at the corners of these streets were ordered to allow lanthorns for holding lamps to be affixed to their houses in such manner as the Burgher Senate should direct, and a penalty of 150 rix-dollars was imposed for injuring or breaking them.

By the instructions of the fire wardens, and during the continuance of fires in the town, the inhabitants are required to hang lanthorns on the outside of their houses, but we are not aware of any other regulation that provided for the general lighting of the streets, nor did we observe that the example of those inhabitants who showed a disposition to adopt it in the year 1809 had been either maintained by themselves or followed by others. There is no doubt that the lighting of the streets of Cape Town would be productive of convenience and security to the inhabitants where it can be done in a manner to guard against the effects of very strong winds, to which many of the principal streets are much exposed. We think that after the debt contracted in providing for the supply of water to the town is liquidated a portion of the present assessment may be properly applied to the lighting of the streets.

The direction and control of public buildings in the town and of such parts of private dwellings or stores as interfere with the public convenience, the superintendence of the construction of bridges and the roads lying within the jurisdiction of the Burgher Senate, we propose to transfer to the office of Civil Engineer, not only on account of the general objections which we have stated to the past administration of them by the Burgher Senate, but of the pertinacious adherence to old habits and the reluctant adoption of those improvements which experience had recommended.

With reference to the various regulations which we have thus reviewed, and which have such a direct influence upon the comfort and convenience of individuals, we have found much which will stand in need of revision, and we think that in case that duty should devolve upon the Governor and Council, they should be instructed to proceed upon the

information and opinion of the most intelligent persons of each province, and not to rely implicitly and exclusively upon information received from local authorities, or the heads of those departments to whom the removal of an impediment, the increase of a penalty, or the imposition of a burthen or restriction is a light consideration, and who cannot be fairly expected to enter into a comparative estimate of the pressure which it occasions or the degree of inconvenience it produces, and we are led more particularly to make this observation as we have ventured to recommend the abolition of the Boards of Landdrost and Heemraden, from which we are aware that the Governors either directly or indirectly were accustomed to draw the information by which they were guided in the adoption of local general measures seriously affecting the public interest.

It would materially tend to public confidence in the re-enactment of these measures if the evidence or opinion of persons were reduced to writing, and although not transcribed into the Minute Book of the Council, they should be retained as documents of equal authority, and copies of them certified by the clerk should be transmitted to the Secretary of State. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE,
W. BLAIR.

[Annexure.]

Establishment of Police Constables recommended by the Commissioners of Inquiry in their Report upon the Police Regulations at the Cape of Good Hope.

For Cape Town	15
Cape County	5
Simon's Town	2
Stellenbosch	4
Swellendam	3
Caledon	1
George	2
Carried forward	32

	Brought forward	32
Uitenhage		3
Albany		3
Somerset		1
Graaff Reinet		3
Beaufort		2
Worcester		2
Tulbagh		1
Clanwilliam		1
Port Elizabeth		1
Port Frances		1
Total number of Constables		50

[Original.]

*Letter from J. T. BIGGE, ESQRE., to THE RIGHT HON.
WILLIAM HUSKISSON.*

MAURITIUS, 12th May 1828.

SIR,—Having had the satisfaction of being able to concur with my two colleagues Major Colebrooke and Mr. Blair in the greatest part of the recommendations which have resulted from our inquiries into the affairs of the Cape, and having deferred to their superior ability and judgment upon the few occasions upon which my opinions differed from theirs, it is not without reluctance that I feel myself compelled to lay before you the grounds of my dissent from a recommendation contained in our Report upon the Police, trusting that the signature of my name to it will not be held to preclude me from affording an explanation of my reasons, which altho' I felt to be of importance as affecting a principal regulation of Police, did not appear to me to call for any other or more particular expression.

After referring to the mention that is made of the regulation respecting passes to Hottentots and Slaves in the daytime at the 108th page of the Report, I will beg leave to recapitulate very shortly the reasons which appear to me to call for its continued observance in the Colony, notwithstanding the abuses to which it may be liable.

The greatest portion of the labouring population of the Cape consists of Hottentots and a few Individuals of the mixed race, who enter into contracts of service with the Inhabitants for specified periods at various but sometimes at very low rates of wages, and of Slaves. The herding of Cattle and Sheep, and the driving of waggons in which chiefly the former class are employed in the country, necessarily detach them from the residence of their Masters for considerable portions of the day, while the Slaves, who are generally retained for domestic purposes, or who are mechanics, especially in and near the Towns, are not unfrequently let out to other persons on hire, or are employed in providing fuel, attending the market, and carrying messages. By the regulation which it is proposed to repeal, both these descriptions of servants are required to be furnished with written passes when they are not in attendance upon their Master or his family, or if they have occasion to go from the Country to the Town, even for a short distance, and the officers of Police are authorized to stop them, to ask for their passes, and if they are not produced, to apprehend and detain them until they are released by their Masters or Employers upon payment of a fee and the cost of subsistence in Gaol.

Admitting that the observance of this regulation is attended with inconvenience to them, and the simple omission of it with some expence, I conceive that both these considerations are outweighed by the security which it provides against the unauthorized absence of a class of Labourers who, as long as Slavery exists, have no other motive for obedience than coercion. I have not distinguished the Hottentots and Bastaards from the Slaves, as notwithstanding their condition of nominal freedom and service under contract, their motives for exertion are nearly alike, and their disposition to absent themselves and to vagrancy is even greater.

The same previous restraint which renders the regulation useful to the Master is beneficial to the Public in the check which it affords upon the theft and concealment of property, two crimes to which the Hottentots and Slaves are much addicted.

The objections to the regulation arise out of the abuses to which it has led and to which it will always be liable, as long

as an interested motive is created in the minds of the Police Officers for giving the strictest interpretation to it, but without which neither the performance of this nor of many other duties of Police could be effectually secured.

The remedy for abuses of this nature must be found in the readiness of the Magistrates to afford redress and the efficiency with which they control the daily commitments to the Gaol. It is stated in the Report that it will always be competent to the Masters of Slaves or Hottentots to make known to the Police when from the prolonged absence of the former they are considered to have absconded. Independent of the distance which separates very many of the Inhabitants of the Cape from the seats of Magistracy and Police, and which increases to an infinite degree the trouble, expence, and uncertainty of their communications, as well as enfeebles all the operations of active Police except in Cape Town and its immediate vicinity, it appears to me that the fear of pursuit and apprehension instituted after a lapse of time sufficient to determine the character of the servant's absence will not so effectually deter him from it as the certainty of interruption by the Officers of Police unless he is furnished with evidence of his Master's consent to his absence or the conditions and limitations he may have annexed to it in a written pass. The necessity that was felt by the Landdrost of the Cape District for vigilantly enforcing this system upon the principal road which connects a populous and cultivated tract of country with Cape Town led to the recent establishment of a place of confinement, at which an Under-sheriff and a certain number of Police Officers are stationed.

In concluding I am desirous of distinctly stating that I should limit the regulations to Slaves and to contracted Servants during their period of service only, for I concur with my colleagues in the reasons which have induced them to recommend that it should be dispensed with at the expiration of that period. I have etc.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to
R. W. HAY, ESQRE.

MAURITIUS, 13th May 1828.

The Commissioners of Inquiry present their compliments to Mr. Hay and have the honor to advise him of their having forwarded by the mail of the ship *Jane*, Jameson Master, two parcels addressed to Mr. Huskisson, the one containing their Report upon the Police Regulations of the Cape of Good Hope, the other containing seven ground plans, viz., those of the gaols at Cape Town, Swellendam, George, Uitenhage, Graham's Town, Graaff Reinet, and Stellenbosch.

[Original.]

Letter from MAJOR COLEBROOKE to the RIGHT HON.
WILLIAM HUSKISSON.

MAURITIUS, 14th May 1828.

SIR,—Having been favored by Mr. Bigge with a perusal of the observations which he has addressed to you upon the Regulation we have proposed to repeal respecting the Passes required to be taken by Hottentots and Slaves from their Masters, and their liability to imprisonment when met with in the daytime by Police Officers without them, I am induced to offer a few observations, which though not necessary to elucidate our opinions as explained in the Report, and therefore not requiring a more formal communication, may still be of use in the consideration of the subject by His Majesty's Government, more especially as we have not hitherto been able to bring forward the evidence concerning the Hottentots which was taken by Mr. Bigge and myself during our progress through the Country Districts in 1823 and 1824.

As Mr. Bigge has fully concurred with Mr. Blair and myself in recommending the removal of the most obnoxious of the restrictions imposed upon the free coloured Classes within

the Colony, and has objected only to the repeal of the law of Passes in the instance of Slaves and of Hottentots who are under Contracts and Engagements of Service, I propose to state the objections that we entertain to the continuance of such a restriction under any form in the Police Regulations of the Cape.

Although the treatment by the Boors of their Slaves and Hottentot Servants has of late years been rendered more humane, it cannot be considered even at present to be such as we could justly approve; and the abuses which have been the consequence of investing inferior Police Officers with authority to imprison all persons of the coloured Classes who are not furnished with Passes, are of a nature which we have apprehended could hardly be corrected, excepting by an entire removal of such a restriction.

Considering that it has been the object of our general recommendations to provide for the due protection of the persons and property of the Inhabitants of all Classes, we have thought that as the population is at present composed, it would be extremely difficult, if not impracticable, to draw a distinction between those of the coloured Classes who are bound to servitude, and those who are not, and that as the Slave or contracted Hottentot, if intending to desert from his Master, would naturally destroy his Pass, if he had one, or declare he was free from engagement, if he had not, it would be difficult in most cases for a Police Officer to ascertain his actual position without detaining him, and especially if he should have proceeded beyond the immediate District in which he resided, to another. A free Black, or free Hottentot, taken up on such grounds of suspicion that he was a Slave, or under Contract of Service, would, if subjected to a painful or expensive imprisonment, be fully entitled to compensation, and were it otherwise, masters would have no motive to be prompt in declaring the desertion of their Servants, or in offering rewards for their recovery, under the impression that the indiscriminate apprehension of all coloured persons would probably accomplish this object without trouble or expence to themselves. A continuance of the practice, therefore, of taking up a coloured person with a Pass, on the presumption of his being a slave or a contracted Hottentot, would not

supersede the necessity of a declaration from the Master that his Slave or Servant had absconded; otherwise the person must remain in gaol either until he had given proof of his free condition, or till his description should be advertized, and the attention of the Master drawn to it. Nor does the necessity of apprehending Vagrants or disorderly persons of whatever colour or description, affect this peculiar question.

Considering that the coloured classes have an equal claim to the protection of the Laws with the Whites, either Creole or European, the prevalence of the abuses to which the law of Passes has given rise has certainly appeared to us an evil of far greater magnitude than any inconvenience which could result from its repeal. And in cases of actual desertion, the activity of the Police would in our opinion be as effectually exerted under the stimulus of reward, which Masters for their own interest would offer for the recovery of their Slaves and contracted servants.

It is also to be considered that if the habits of a people attached to a pastoral life are unsettled, the observation is hardly more applicable to the Hottentots than to the Boors who employ them, and while the latter have had opportunities of settling with their families on property of their own, the Hottentots for the most part have been excluded from these benefits, and have acquired stock which they have been allowed to graze on the Farms where they have served, subject to the losses and depredations to which, from their unprotected situation, they have been too often exposed. It is well known that in the instances in which they have acquired fixed property, they have shewn no disposition to quit their abodes, excepting for temporary service with the farmers, or in employing their waggons as carriers, or in other pursuits which have necessarily taken them from their homes; and occasionally to visit their Children or Parents detained in some other parts of the Colony.

In cases where these habits should lead to vagrancy or crime, it should undoubtedly be checked by the apprehension and punishment of offenders of whatever class, a point which has not been overlooked in the Report; but when the farmers are themselves accustomed to take their Slaves and Hottentots on their own expeditions, and to lead with them an itinerant

life as Graziers, or in long Journeys, in hunting parties, or on Commandos, we think that they are responsible in a material degree for the effect of such habits, which may be legitimately counteracted by taking advantage of the social disposition of the Hottentots and their attachment to their families, and facilitating their acquirement of fixed property in situations more favorable to their imprisonment and for the rearing of their children.

That the Contracts of Service have been generally unpopular with all Classes of free Servants, whether Europeans or Hottentots, is proved by the Regulations which have from time to time been applied to enforce them upon Europeans. An emigration conducted by Baron Hogendorp from Holland when the Colony was subject to the Dutch led to a Regulation of this kind, and it was revived and extended by Lord Charles Somerset in 1818, on the complaints that arose out of the engagements entered into by some agricultural Settlers and Mechanics who emigrated from Scotland in that year. In the emigration of 1820 to the District of Albany, the disputes between Masters and Servants, which were the cause of the failure of several parties, grew out of the dissatisfaction to which such engagements gave rise, and it is also well known at a later period, that the Police of Cape Town were harassed with the complaints arising out of engagements which had been entered into between Mr. Ingram and the Settlers who emigrated with him from Ireland in 1824.

As the Engagements of the Farmers with the Hottentots are for the most part on terms very unfavorable to the latter, considering the value of their labour throughout the Colony, it might certainly be expected that they would be inclined to consult their own interests and inclinations by refusing in some cases to renew them, and by seeking in others to evade them.

The privilege of retaining their children as apprentices if they have been born on the farm and have resided for eight years may in itself account for the inducement of the Hottentot to frequent removal, and his indisposition to engage beyond a short term.

Without entering on the question as to the probable benefit to the agriculture of the Colony from the Farmer and his

family ceasing to depend upon the services of a number of indigent and ill paid retainers, maintained throughout the year, it has appeared to us to be just that the Hottentot should be reconciled to the service of his employer by the same inducements of interest that are operative with other Classes of the Community, and while every support should be given to the engagements into which they have been induced to enter, we have seen no ground on which to make an exception in their instance from the Regulations applicable to the support of engagements of the same kind with other Classes of Servants. It is to be recollected that if the Hottentots in the remote Districts are further from the control of the Magistrate, they are at the same time further removed from his protection, and it is in such situations where, from the habits and prejudices of the Boors, it will at all times be most difficult to secure them from oppression and injustice.

The Regulation requiring Slaves to take Passes has we are aware been common to most Slave Colonies, and it is only of late years since the free coloured classes have claimed protection from the abuses resulting from its application to them, that attention has been called to the inefficacy of the Regulation as a means of checking the desertion of Slaves and the inconveniences to which the Owners have often been exposed from the corrupt practices to which it has given rise. The correction of these abuses will be an acknowledged benefit to the Colony, and in cases of desertion, or of theft, a prompt declaration to the Police, and the offer of a sufficient reward, may be expected to be as effectual a means of discovery as the continuance of a restriction which has more frequently occasioned the imprisonment of peaceable and unoffending persons than the apprehension of real Delinquents.

I cannot conclude these observations without remarking that the consideration which Mr. Bigge has shewn to our opinions on this, and other occasions, is attributable to the disposition he has uniformly evinced to discuss his own with the utmost liberality and candour, and to concede them to the concurrent opinions of two of us in cases where we have differed. I have &c.

(Signed) WILLIAM M. G. COLEBROOKE.

[Original.]

*Letter from MR. WILLIAM GREIG to the RIGHT HONOURABLE
WILLIAM HUSKISSON.*

32, CITY ROAD, FINSBURY SQUARE, 4th June 1828.

SIR,—The long and severe illness of Mr. Fairbairn, the Editor of the *South African Commercial Advertiser*, occasioned by great mental anxiety arising from the suppression of that journal, the neglect his case experienced, together with the heavy losses consequent thereon, prevented him continuing his correspondence with the department over which you lately presided with so much satisfaction to the country.

Mr. Fairbairn's departure from England last week makes it my duty (being fully empowered by my brother and Mr. Fairbairn) to take up the subject, and previously to doing so, I beg to trouble you with this letter to enquire, whether you received in February last a letter from Mr. Fairbairn dated 18th of that month (addressed to Mr. Hay), and accompanied with various documents in proof of the amount of losses sustained by the late suppression of the *South African Commercial Advertiser*. My reason for making this enquiry is that nearly four months have elapsed, and its receipt not even acknowledged.

I trust, Sir, although unfortunately, as I think, for the colonies, you no longer preside over their destinies, that you will have the candour to answer my enquiry, and I have &c.

(Signed) WILLIAM GREIG.

[Original.]

*Letter from MAJOR COLEBROOKE AND MR. BLAIR to
R. W. HAY, ESQRE.*

MAURITIUS, 10th June 1828.

DEAR SIR,—We were favoured on the 1st instant by the receipt of your letter under date the 27th December 1827 addressed to Mr. Blair, calling upon us to afford you an

explanation of the grounds upon which in our Report on the administration of the Government of the Cape of Good Hope it is stated by His Majesty's Commissioners that "upon their arrival at the Cape it was generally understood and subsequently more distinctly avowed that any civil Servant who voluntarily gave information to the Commissioners without the consent of the Governor would be dismissed from his office," and in reply beg leave to make the following observations.

The expressions contained in your letter are not precisely those which were used by us in our Report, and which were as follows:—"but we have reason to believe that a general understanding existed at that time and has since been more distinctly pronounced that any Civil Servant who should venture to make disclosures to us of circumstances in his Department without having previously communicated them to the Colonial Government would be liable to dismissal from Office."

The statements here made by us are simply that we had reason to believe that at an early period an understanding generally existed, and that subsequently it was more distinctly expressed, in regard to the communications which the Civil Servants might make to us.

In so far as it relates to the former we can only repeat the assurance of our belief in its prevalence throughout the Colony, and principally among the Emigrant Settlers, who avowed their opinion of its being well founded, and we may again allude to the general reluctance shewn to afford us information on particular subjects.

With respect to the latter statement, the occasion when the understanding came to be "more distinctly pronounced" was the abolition by the Governor in Council of the office of Colonial Medical Inspector held by Dr. Barry, when that officer asserted the belief that his case was a proof of the correctness of the impression in question, and apprized us of the remark of a Person formerly in office who had told him that threats of dismissal had on other occasions been held out against the public Servants in the event of their making voluntary disclosures to us.

The next passage in our Report stands thus:—"We do not

state this as matter of complaint nor indeed do we urge it as a fact which we have thought it necessary to pursue or establish, but we think it right to notice it as an impression in some measure prevalent, and which may therefore partly account for the reluctance of Individuals to afford us voluntary information upon subjects of importance with which they were officially conversant."

This explains that we had not gone into the Inquiries necessary to sanction any positive assertion with regard to the truth of what had been represented to us respecting the threats held out by the Colonial Government, and at the same time assigns our reason for not omitting to inform Earl Bathurst of the existence of such an opinion which could not but have a detrimental effect upon our proceedings.

Under the circumstances of the reference to us upon this subject, we judge it proper to transmit to you an entire copy of Dr. Barry's official communication to us and also of the private correspondence of Mr. Bigge and Major Colebrooke with Sir Richard Plasket and Colonel Bell (whose reply is official) relative to some circumstances connected with the abolition of the office of Colonial Medical Inspector, but from the nature of this correspondence, comprehending as it does the discussion of irrelevant matter and the expression of some personal feelings (in the latter of which we beg leave to disclaim all participation) we have to request that it may not be made public. We beg &c.

(Signed) W. M. G. COLEBROOKE,
 W. BLAIR.

Most of the enclosures in this letter have already appeared. Those that have not are the following :—

[Enclosure 1.]

CAPE TOWN, 3rd November 1825.

DEAR SIR,—A question having arisen respecting the subject of a conversation that passed between Sir Richard Plasket and Dr. Barry upon a reference that he said he was about to make to us of certain discussions that had taken place between himself and the Fiscal, and Dr. Barry having quoted to us a

previous conversation that he had with you in support of the subject that he was about to refer, we beg that you would be good enough to inform us whether you recollect that he mentioned to you that the subject of the intended reference was the embarrassment in which a civil officer of this Government might be placed by being judicially compelled to answer questions touching the truth of statements made by him in an official report addressed to the Government. We beg &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

Lieutenant-Colonel Bell.

[Enclosure 2.]

WYNBERG, 4th November 1825.

GENTLEMEN,—In reply to your letter of yesterday's date desiring me to state my recollections of a conversation with Dr. Barry on the subject of his late discussions with the Fiscal, I perfectly remember that conversation, in which Dr. Barry having informed me of the questions put to him in Court by the Fiscal, his reasons for declining to answer such questions, and the consequent sentence of imprisonment passed against him, I considered the whole proceedings as being of such a very extraordinary nature that I advised Dr. Barry to bring it under the notice of the Commissioners of Inquiry, with a view to have the point cleared up whether a servant of the Government could be judicially compelled to answer any questions put to him touching any matters reported on by him to the Government pursuant to an order to that effect. Dr. Barry declared his intention of bringing the case under your view for the reasons I have just stated, and agreed with me that the general question only should be submitted to you as being one of very considerable importance.

I have &c.

(Signed) JOHN BELL.

His Majesty's Commissioners of Enquiry.

[Enclosure 3.]

GRAAVE STREET, 11th November 1825.

DEAR SIR,—In consequence of the doubts that have arisen respecting the subject of the conversation between Sir Richard Plasket and yourself, in which we are informed that he declared to you that in the event of your bringing that subject before us you would lose your situation, or that he should recommend the Governor to dismiss you from it, we are induced to request that you will take the trouble of stating in writing to us the subject that led to the conversation, the particulars of it as they occurred, and if your recollection should enable you, the date or day of the week on which it took place. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

Dr. James Barry.

[Enclosure 4.]

HEEREGRAGT, November 14th 1825.

GENTLEMEN,—In reply to your letter of the 11th Instant requiring to be informed of the subject which led to the conversation in which Sir Richard Plasket held out the threat to me that in the event of my laying certain Documents before His Majesty's Commissioners of Inquiry for their investigation I should be dismissed from my office, and that he would recommend it, I beg to state that upon Friday the 16th September last a sentence of civil imprisonment was passed upon me by the Sitting Commissioner of the Court of Justice at the request of His Majesty's Fiscal, in consequence of my declining in the Court to give any answer to questions arising out of a certain Report ordered to be made by me to Government. Immediately upon the sentence being passed I left the Court, and meeting with Mr. Kekewich, who expressed his astonishment at hearing the circumstances, I requested him to accompany me to Mr. Bigge to beg the benefit of his legal advice, in conjunction with his, Mr. Kekewich's, in order to prevent if possible my being (as I considered) further disgraced.

You, Gentlemen, heard the circumstances of the case, and one of you (Mr. Bigge) not only did favor me with his legal opinion, but authorized Mr. Kekewich to state such as being his opinion to His Excellency. I immediately wrote a letter to His Excellency, and Mr. Kekewich (who being appointed President of a committee to inquire into the state of the Town Prison and to report thereon, felt it might be also his case) and myself waited on the Governor. After being detained some time, we were admitted, and found Sir Richard Plasket with Lord Charles. I presented my letter and begged him to read it; he did so, but said he was not sure whether His Majesty's Fiscal was justified in his proceedings or not; upon which observation Mr. Kekewich delivered his legal sentiments, adding, that they were those of Mr. Bigge, &c., &c. Sir Richard Plasket appeared perfectly of the same way of thinking, but made some observation which led me to infer that he had not read my letter to His Excellency. I therefore read it to him, after which His Excellency said he should send for His Majesty's Fiscal and let us know the result. He did so; and upon our return (we left the Government House for an hour) His Excellency informed us that he would direct the sentence to be suspended till such time as the opinion of the full Court of Justice should be known, upon which Sir Richard Plasket observed "that would bring it to just where it stood," and soon after he left the room; and in a few minutes Mr. Kekewich and I followed, Mr. K. remarking that we should not, in all probability, have beat the Fiscal if Sir Richard had not been on our side, and he certainly appeared to me very friendly.

The whole transaction excited a great deal of conversation in the Town, and on Monday the 19th subsequent I consulted a military friend (as I have already verbally explained to you) immediately after the Council had broken up, as to my actual position, being a British Officer and having such a sentence (as civil imprisonment) hanging over my head for having performed what I considered a very important duty to the Public and to my own situation. The result of this communication was that it would be fair to Sir Richard Plasket to wait upon him, and after expressing my feelings to request that I might be furnished from the Court with the sentence and

other documents relating to the Trial, with a view to lay them before His Majesty's Commissioners of Inquiry for their specific Investigation. The same day I communicated such my intentions to Mr. Kekewich, who informed me that he had a conversation with my friend upon the subject that evening at Government House, where they both met at dinner.

So far I can positively fix the time, but whether it was on the following day, Tuesday the 20th, or on Wednesday the 21st, I really cannot decidedly say, but certainly between the 19th and the 23rd, that I waited upon Sir Richard Plasket at the Colonial Office. On my way I saw Lieutenant-Colonel Bird in his cart, who called out to me that he was astonished to find me at liberty, as he was on his way to the Tronk to leave his card, &c., &c., all of which did not tend to make me feel pleased with the conduct of His Majesty's Fiscal. However, on my requesting the Messenger to say to Sir Richard Plasket that I wished to speak to him, he sent word that unless it was something particular, he was engaged. I returned for answer that unless it were very particular indeed I should not think of troubling him. I was then admitted, and he said he had one of his *headaches*: he was reading, or looking at some Paper. I then expressed how much I felt annoyed at what had happened, and Sir Richard was pleased to say that for once I was right; that he himself had suggested to His Excellency my being ordered to make the Report. I said Colonel Bird had just been quizzing me about the result, upon which he broke out: "you are always quoting Bird, or Bigge, or Kekewich." I answered that this was the first time I had mentioned Colonel Bird to him, altho' I had stated Mr. Kekewich's opinion, who indeed had done so himself at the Government House, when he also mentioned Mr. Bigge's being authorized by that Gentleman to do so. However I thought it was putting the original documents into the Fiscal's hands which made him act as he had done: be that as it may, the purport of my present visit was, as there seemed to be doubt about the justice of the case, to beg to be furnished with the whole of the Documents from the Court, as I had it in contemplation to lay them before His Majesty's Commissioners of Inquiry for their Investigation. Upon which Sir Richard replied "if you do, you shall be

dismissed from your situation, and I will recommend it." I answered, indeed Sir, now you have threatened I will do so, not as a matter of complaint, but for their opinion and investigation, as well as for my own edification; it is a public concern, and I am now a Member of a Board (Mr. Kekewich is President) ordered by His Excellency to inquire into the state &c. of the Tronk, the Report upon which may probably not be so mild. Sir Richard then went on to say that my Report was improper, that I had torn a summons, &c., &c. Some further conversation took place, when I asserted, and he admitted, I was working for the Public Good: and I wound up by saying that "if I had had my sword on when Mr. Fiscal proposed sending me to the Tronk, I should most certainly have cut off both his ears, his Jew's ears off, to make him look smart." Sir Richard laughed, and I left the office, and in a conversation with Colonel Bird, whom I met again that moment on the Heeregragt in his cart, I mentioned the threat of dismissal. The Colonel said it was not the first time that that had been held out by higher Powers, and I had better take care. I next told it to Mr. Kekewich, and to others whom I met on my way to your office, where I wished to speak to Major Colebrooke on other matters; where seeing you both together in Major Colebrooke's room, I related the curious conversation without any reserve, and if I mistake not, the next day Mr. Bigge said that Sir Richard had called soon after I left the office, and complained that I had been quoting to him Bigge and Kekewich &c. and their opinions. I then asked if he had also mentioned his threat about my dismissal from my office. Mr. Bigge said no. Subsequent to this, the correspondence took place that was laid before the Council. I beg here to observe that upon the following Sunday during His Excellency's Levee, I took an opportunity of relating to my military friend the whole of the conversation in the Colonial Office; he recommended me to take no notice, but to lay the Papers before His Majesty's Commissioners, that it would be for the public good. Before closing this necessarily long detail, I think it but fair to Sir Richard Plasket to say that altho' he might think it proper to recommend my dismissal as an example to deter others from similar Declarations, (and many were of opinion that he would do so, and

that I should be dismissed), yet I am most decidedly of opinion that if the unfortunate circumstance of Colonel Bird's certificate had not been in existence, Lord Charles would never have sanctioned (to use his own phrase) *my* office being abolished. I have &c.

(Signed) JAMES BARRY.

His Majesty's Commissioners of Enquiry.

[Enclosure 5.]

CAPE TOWN, November 15th, 1825.

MY DEAR SIR,—In the interview alluded to in your note just received, I stated to His Excellency that you concurred with me in the view I took of the subject of the sentence of Civil Imprisonment pronounced against Dr. Barry, and if I do not greatly mistake, previous to my going to Government House with the Doctor I asked if you had any objection to its being stated that such was your opinion, to which you replied "certainly not," or to that effect. Whether I made use of the word "illegality" I do not precisely recollect. Whatever the expression might have been, the meaning of it was to convey to the Governor the dangerous tendency of such proceedings as were carrying on against Dr. Barry.

Believe me, &c.

(Signed) G. KEKEWICH.

J. T. Bigge, Esqre.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM GREIG.

DOWNING STREET, 12th June, 1828.

SIR,—I am directed by Secretary Sir George Murray to acquaint you that he has received the letter which you have addressed to his Predecessor under date of the 4th instant; and I am desired in reply to refer you to the letter which

was addressed to Mr. John Fairbairn under date the 9th of January last, in which it was stated that the Secretary of State had no reason for thinking that any injustice or illegal act was committed in revoking the licence under which your Brother had been allowed to publish the newspaper called the *South African Advertiser*. In the opinion so expressed by Mr. Huskisson Sir George Murray concurs; and he is, therefore, of opinion that the Proprietors of that Journal have no claim on His Majesty's Government for any losses which they may have sustained by the revocation of their licence.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. WILLIAM GREIG to R. W. HAY, ESQRE.

CITY ROAD, FINSBURY SQUARE, 24th June 1828.

SIR,—I have to acknowledge the receipt of your letter of the 12th in reply to mine of the 4th instant addressed to Mr. Huskisson.

You state that Mr. Fairbairn's letter of the 18th February last was addressed not to you, as I had been informed by Mr. Fairbairn, but to Mr. Huskisson, and by him duly received; it is to be regretted that the pressure of Mr. Huskisson's various important official engagements prevented him giving that letter and the documents which accompanied it his consideration; however under present circumstances it is my duty to request you will have the goodness to immediately lay before Sir George Murray the letter and documents herein alluded to, together with the case to which they refer.

After the lengthened period, nearly four years, this case has been before the Colonial Department; the nature of the injury inflicted on the first suppression of the *South African Commercial Advertiser*, also the acknowledgement by Mr. Huskisson that the second suppression of the journal proceeded from *erroneous information furnished to Earl Bathurst*,

and adding to this the Memorial to Mr. Huskisson from the almost entire body of Merchants trading to the Cape of Good Hope, attesting to the immense benefit both moral and mercantile that had been effected in the Colony since the establishment of the *Advertiser* will, I trust, have its due weight and induce Sir George Murray to grant equitable redress.

I will only add that my brother's utter ruin and that of his family would have inevitably followed the repeated suppressions of his Journal but for the enormous advances afforded him by me. I have &c.

(Signed) WILLIAM GREIG.

[Original.]

Letter from MR. WILLIAM GREIG to R. W. HAY, ESQRE.

CITY ROAD, 24th June 1828.

SIR,—With this I send you a letter on the subject of my brother's case, and having had committed to my care a Memorial to the Secretary of State for the Colonies from a Mr. Anderson of the Cape of Good Hope, I will in a day or two do myself the honor to wait upon you on both subjects.

I have &c.

(Signed) WILLIAM GREIG.

[Original.]

Letter from MR. WILLIAM GREIG to R. W. HAY, ESQRE.

CITY ROAD, FINSBURY SQUARE, 17th July 1828.

SIR,—In acknowledging the receipt of your letter of yesterday's date I cannot omit expressing my regret that you did not favor me with an interview on either of the two occasions when I called at the Colonial Office, a case like my brother's affecting not only the property but also the liberty of the

subject demands surely the most grave consideration before a decision refusing full redress and compensation can be given by His Majesty's Government. The late frequent changes in the Colonial Department have I apprehend prevented this case from hitherto receiving the deliberate consideration it requires, I shall therefore forthwith request Sir George Murray to honor me with a personal interview, and previously to that taking place it is my intention to furnish Sir George with a copy of the *South African Commercial Advertiser*, in order that he may be enabled thereby fairly to judge whether the case as represented in the Memorial of the Cape Merchants (with the contents of which you are doubtless acquainted) be founded in fact, or whether the *Advertiser* was a publication of such a dangerous nature as (taking into consideration the explanatory correspondence that passed in the year 1825 between Mr. Wilmot Horton and my brother on the subject of the "Prospectus" and the latitude of discussion &c. it allowed) merited the infliction of that arbitrary and oppressive act, the Suppression of the *Advertiser* without affording the Proprietor any opportunity to justify himself.

In my letter to you of the 24th ultimo, I stated that Mr. Huskisson had acknowledged that the second Suppression of the *Advertiser* had proceeded from erroneous information furnished to Earl Bathurst. Now, Sir, notwithstanding the exception taken by you to this statement, and the quotation adduced from Mr. Huskisson's letter to Mr. Fairbairn, I must be allowed still to contend that I am substantially correct, and in proof thereof beg to refer you to your own letter, written in the name of Mr. Huskisson to Mr. Fairbairn, dated 9th January last, there in alluding to the cause of the suppression of the *Advertiser* you will find the following remark, "There is every reason to believe that Lord Bathurst considered it to be an original composition." What, I ask, was the complaint to which Mr. Huskisson was then replying? why, that the *Advertiser* had been suppressed for inserting an article *not* original, but copied (as under the "Prospectus" it was competent to do) from a London journal, and Mr. Huskisson, I repeat, says "he has reason to believe that Lord Bathurst, acting on erroneous information, considered it to be an original Composition."

That Mr. Huskisson also alluded to a departure from the terms of the "Prospectus" I am well aware, but that the sole reason assigned by Lord Bathurst for the Suppression of the *Advertiser* was the article in question will be clearly seen on reference to Sir Richard Plasket's letter intimating the withdrawal of the License, and I have also authority to mention that Mr. Wilmot Horton in May 1827 informed Mr. Hume that the proceeding having been founded in mistake by Lord Bathurst, Lord Goderich, the then Secretary for the Colonies, would in consequence forthwith "set all right." On this part of the case I might enlarge, but Mr. Fairbairn's letters have exhausted the subject, I therefore merely again refer you to Sir Richard Plasket's letter on the withdrawal of the License; in that document the impugned article, and that alone, is alleged as the reason for a second time hurling ruin on an innocent man and his family, a man of whom it is proclaimed by nearly the universal suffrage of the Cape inhabitants that he had become by means of this very suppressed *Advertiser* a benefactor to his fellow subjects, and had rendered a lasting benefit to the whole Colony! To render still more manifest the gross injustice that has been inflicted, I might refer you to what occurred in the year 1825. During the negociation that then took place between Mr. Wilmot Horton and my brother, Mr. Horton then distinctly recognised the right to copy articles from the London Papers; and the "Prospectus" of which such advantage has been taken expressly mentions that articles would be copied from London Papers. My position is also strengthened by the fact that every word of the alleged offensive article is literally *true*, for the insertion of which the *Advertiser* was suppressed. Mr. Fairbairn's printed statement accompanied with the official documents and letters from Colonel Bird and others prove this beyond all question.

In conclusion I beg to request the favor of an interview with you as early as convenient, and here I may mention that one object I have in view is to ascertain how far your communication made to Mr. Borradaile on the subject of the future regulation of the Press at the Cape of Good Hope has been acted upon, afterwards it is my intention to request the honor of an interview with Sir George Murray on the case generally.

That this subject cannot be allowed to rest where your letter leaves it is quite certain, and although the pecuniary part of the question is of no small importance to the parties concerned, yet they hold this as of very secondary consideration compared with the great public question involved in the general case.

I have, contrary to the advice of my Parliamentary friends, always endeavoured to avoid a public discussion of this subject, and if at length driven to adopt that course the fault, if any, will not lie with me. I have &c.

(Signed) WILLIAM GREIG.

[Original.]

Letter from MR. WILLIAM GREIG *to the* RIGHT HON.
SIR GEORGE MURRAY.

CITY ROAD, FINSBURY SQUARE, 15th August 1828.

SIR,—With this letter I beg to hand you a copy, as entire a one as I possess, of the *South African Commercial Advertiser*, the Journal which has *twice* been suppressed at the Cape of Good Hope, the first time in 1824 and again in 1827.

The length of time that this case has been before the Colonial Department makes it very desirable that it should be brought to a speedy close, and I trust my present communication will further that end.

The numerous changes that have taken place in the Department over which you now preside have rendered most irksome and unpleasant the attempt to explain fully a case which only requires to be distinctly stated to prove incontestably that great injustice has been inflicted. I much regret that the failure of Mr. Fairbairn's health put it out of his power to see this business brought to a close ere he left England. However his letters to Mr. Huskisson and to Mr. Hay are so full, plain, and convincing, that I cannot do better than beg to refer you to them, and also to the correspondence (of which a copy is herewith sent) that passed between Mr. Wilmot Horton and my brother, and between Mr. Hay and myself; to these I shall add such observations as may seem pertinent to the

case, and trust that the whole subject will receive at your hands that patient and impartial consideration its importance demands.

I will not intrude on your time by referring at large to the alleged cause for the first Suppression of the *Advertiser*, and the banishment of the Editor; it may suffice to observe that Lord Bathurst put a decided negative on that oppressive act of the then Governor, Lord Charles Somerset, and permitted Mr. George Greig to return to the Colony and to resume the publication of the *Advertiser* under a certain favorable agreement, the terms of which however were never fulfilled. And it was at the very moment when complaint on this head was preferred, that an act of oppression was *repeated* unexampled in the history of arbitrary proceedings in the British Colonies, and as unexpected as it was iniquitous. The *South African Commercial Advertiser* with its large establishment was without the least warning, trial, or investigation, a *second* time suppressed, as will appear by the following letter from Sir Richard Plasket :

COLONIAL OFFICE, CAPE TOWN, 10th March, 1827.

SIR,—I am directed by His Honour the Lieutenant Governor to inform you—that in consequence of a publication in the *South African Commercial Advertiser* of Wednesday the 24th May last, containing a statement entitled “Mr. Buissinne’s case,” and which has been represented by His Excellency the Governor Lord Charles Somerset to be of a false and calumnious nature, His Honour has received instructions from His Majesty’s Secretary of State for the Colonies to cancel the license under which you are allowed to print and publish that Journal.

You will therefore from this date consider that License as cancelled and of no effect. I have &c. &c.

(Signed) RICHARD PLASKET, Secretary to Government.

And what does Sir Richard Plasket state as the alleged cause for this *second* most arbitrary act? Why, the insertion of an article in the *Advertiser* so long back as the 24th May in the preceding year, which Lord Charles Somerset considered as reflecting on his character! Thus, I repeat, without any

enquiry whatever, an act of the grossest oppression was perpetrated, and this too on the mere *ex parte* statement of Lord Charles Somerset, who was, be it remarked, at that moment in England awaiting his own threatened impeachment by Mr. Brougham. I ask, Sir, was this in accordance with British Law or British Justice? Had Lord Bathurst put my brother on his defence, he would instantly have nullified the charge brought against him, and have shown that the article, for the insertion of which ruin had been hurled on himself and family, was an article extracted verbatim, *without either note or Comment*, from the *Times* newspaper, wherein it had appeared sixteen months previously, and had been allowed to pass without any notice from Lord Charles Somerset.

Mr. Wilmot Horton's letter of the 7th March 1825 certainly recognises the right to make extracts from London papers. The "Prospectus" also claimed the same right, and it will be seen by a reference to Mr. Horton's correspondence with my brother in 1824 and 1825 that a liberal construction was promised to be given to that "Prospectus" (to which production he was in a certain degree bound, notwithstanding his earnest entreaty to be released from its stipulations), and that if he offended, regular warnings were to be given. Should these be neglected, then Suspension was to follow. For his further security, it was also stated that the Governor in Council would be amenable for his acts, and that in the event of the occurrence of the extreme case, a suspension of the Journal, a Reference might be made to the Secretary of State for the Colonial Department, for his decision.

The unlooked for Summary act, of which I am now complaining, cast dismay over the minds of all the Inhabitants of the Cape. The Merchants solicited the Lieutenant Governor to permit a Public Meeting to take place on the subject, but His Honor refused to grant their request. They then met at the Commercial Exchange, and passed Resolutions bearing the highest testimony to the good order with which the *Advertiser* had been conducted, and spoke of the Editor in terms flattering to the feelings of any man, elected him an Honorary Member of their Body, and declared that they viewed the suppression of his labors as a *Public Calamity*.

Even Mr. Hawkins, the East India Company's Agent, signed the Address to the Editor, Mr. Fairbairn. In fact all parties came forward to express their sense of the moderation with which he had conducted the *Advertiser*. A subscription also was raised to defray his expences to England to procure redress, and an universal earnest hope expressed that the Colony might soon again enjoy the benefit of his labours.

The foregoing decided Testimony in favour of the *Advertiser* was followed by a Petition to the House of Commons, couched in equally strong terms of approbation, and was signed by all the principal Merchants and Inhabitants of the Colony, praying for the re-establishment of the *Advertiser*. This Petition was presented to the House by Mr. Baring, and produced a great effect. In fact Mr. Wilmot Horton assured Mr. Hume that the Suppression of the *Advertiser* originated in a mistake, and that therefore it would be forthwith restored. Mr. Baring also, (who it was understood had had repeated interviews with Lord Goderich on the subject) held out the same expectation. These various Considerations induced Mr. Hume, who had moved for the Papers connected with the case, to refrain at the time from calling the attention of Parliament to the subject. He would wait, he said, for Lord Goderich's decision, and act accordingly.

Mr. Fairbairn arrived in England, and was honoured with an interview by Lord Goderich. His Lordship expressed himself wholly unacquainted with the case, but promised it should have his early and serious attention. However before he could investigate it, Mr. Canning died, and Mr. Huskisson succeeded to the office of Secretary of State for the Colonies : to him by letter, through the medium of Mr. Hay, application was next made on this subject ; but other matters of immediate urgency engaged his attention, and prevented him giving the case early consideration, for it was not until the 9th of January last that Mr. Huskisson's decision on the case was communicated to Mr. Fairbairn.

That decision it is evident must have been founded in a great degree on ex parte statements ; and I think there exists much reason for complaint that before deciding on the subject, Mr. Huskisson did not think fit to see Mr. Fairbairn personally, or require from him any explanation of the

documentary evidence laid before him on so important a subject; but entirely putting aside the cause assigned by Lord Bathurst as narrated in the foregoing letter of Sir Richard Plasket, he gives it as his opinion that the "Prospectus" had been violated, and that therefore the suppression of the *Advertiser* was justifiable. But, adds Mr. Huskisson, "There is every reason to believe that Lord Bathurst considered it (the Criminal Article) an original composition." Considered what an "Original Composition?" Why the very article inserted in the *Advertiser* on the 24th May 1826, and for which alleged crime it was suppressed, and notwithstanding that this very article proves to have been copied (as under the terms of the "Prospectus" Mr. Greig possessed an undoubted and admitted right of doing) from a London Journal. Mr. Huskisson having been forced to admit the utter groundlessness of the alleged cause for the Suppression of the *Advertiser*, brings to his assistance that sort of charge which Lord Bathurst had not even hinted at. Allow me, Sir, to ask whether it is consistent with the high dignity and important station of a Secretary of State of the British Nation to adduce such overt acts against an individual, for the purpose of attempting to strengthen a case which had decidedly failed?

On the part of the Proprietors of this Journal I feel entitled to take high ground, and I feel myself fully warranted in contending that no cause has been shewn to justify the Suppression of the *Advertiser*. Never before assuredly has such flattering testimony been expressed to the sterling worth of any Colonial publication as has been spontaneously given to the *Advertiser*, and this too notwithstanding the frowns of Power. Its beneficial influence has been felt over the entire Colony, its columns were conspicuous for the advocacy of loyalty and good order. Certainly it was that which every journal ought to be, a Censor over public abuses, and the good it thereby effected during its very brief existence will continue to live in the memory of the honest and the patriotic of the Colony, while such abusers of public trust as Lord Charles Somerset will be for ever held in deserved execration.

The foregoing testimony, Sir, is not a mere solitary expression of opinion, but the same sentiments are held by thousands of persons in the Colony and by all the Cape

Merchants in London. That such is the fact is proved beyond all doubt by the Petition presented by Mr. Baring to the House of Commons, and by the Memorial presented to Mr. Huskisson by the Merchants of London, many of the gentlemen whose signatures are attached to that Memorial never interfere in Politics, in fact they manifested on all occasions the highest deference to the Powers that be; to this class of persons I can add the name of Dr. Philip, the worthy and intelligent Representative at Cape Town of the London Missionary Society, also that of the amiable and good Reverend John Campbell. Is it to be supposed that these worthy disciples of peace would degrade their sacred calling by supporting a journal that was anything but conspicuous for good order and kind feeling? But I need not enlarge: The very act of restoring the *Advertiser* speaks volumes as to the opinion of the Secretary of State on this head. Then, Sir, why delay an act of magnanimity and justice? It is justice alone I ask for the much injured Proprietors of the *Advertiser*: and from what the nation has witnessed of your noble conduct relative to the pension granted to the widow and family of the late Mr. Canning, I feel confident I shall not ask in vain.

The correspondence which accompanies this letter will shew you that Lord Bathurst had promised my brother in 1825 that on his return to the Colony to resume the Publication of the *Advertiser*, the Property, about twelve hundred pounds, which had been seized by Lord Charles Somerset, should instantly be restored, and five years allowed him to repay the amount he had received on account thereof from the Colonial Government, you will also find that this promise was not performed. In fact in no respect whatever was good faith kept with my brother. Lord Bathurst exacted from him a pledge "that he would forego all other means of procuring redress"; but I must contend that the Promises made as the price thereof have nearly all been violated; on this part of the subject I might enlarge, but I trust that sufficient has been adduced to convince you, on an impartial investigation of the whole case, that it is fairly entitled to redress.

In conclusion, I will only add that on the 20th ultimo Mr. Hay at my request favored me with an interview. I felt anxious, for your information, to communicate personally

with him, more generally than it is practicable to do by written correspondence, and I am quite satisfied that the time passed on that occasion was not ill spent. I wish not to impute motives to any man, but there does exist a very general belief that Mr. Hay holds a very strong opinion, I do not say bias, on all subjects relating to the Cape of Good Hope, (and I am the less scrupulous in making the statement, knowing that Mr. Hay will peruse this letter). I was therefore desirous to calmly discuss over the whole subject with him, and if possible come to a mutual understanding. I do not here complain of the course pursued by Mr. Hay on that occasion: doubtless he felt himself justified in arguing that "Truth is a Libel," and that the alleged crime of copying an article, *without either note or comment*, from another journal, because forsooth it reflected on a public Functionary whose misfortune it is to know that the Colonial Department groans under the weight of the accusations brought against him, deserved the severe infliction of which I am now complaining. I had previously intended soliciting the honor of an interview with you, and would now willingly, if I could, waive giving you the trouble, but my interview with Mr. Hay has only tended to convince me more strongly of its necessity. Therefore, after you have given the whole case your attentive consideration, allow me to beg your kind compliance with my request that you will appoint an early day to receive me.

I have &c.

(Signed) WILLIAM GREIG.

[Original.]

*Letter from Mr. WILLIAM GREIG to the RIGHT HONORABLE
SIR GEORGE MURRAY.*

CITY ROAD, FINSBURY SQUARE, 15th September 1828.

SIR,—On the 15th August I did myself the honor to address you a letter with accompanying documents, on the subject of the repeated suppression of the *South African Commercial*

Advertiser, and not having yet been favoured with any notice thereof, I trust your goodness will excuse my reminding you of the same, and to entreat that the subject may receive your early attention. I have &c.

(Signed) WILLIAM GREIG.

[Original.]

*Letter from MAJOR COLEBROOKE and Mr. BLAIR to
R. W. HAY, ESQRE.*

MAURITIUS, 2nd October, 1828.

SIR,— We have the honor to inform you that Mr. Bigge has decided to embark tomorrow on board His Majesty's Ship *Undaunted*, Captain Clifford, C. B., to proceed to the Cape of Good Hope and eventually to England, should the state of his health admit of his doing so previous to the return of the Spring.

Mr. Bigge has just been able to bring to a close and to deliver to us his draft of a Report on the internal and external trade of the Cape, and we will lose no time in preparing it with our own observations for transmission, together with the evidence and documents we have collected.

We take this opportunity of intimating to you that Mr. Bigge has proposed that the whole of the documents relating to the Cape should be placed in his hands, in order to enable him to proceed in the preparation of such reports as still remain to be drawn up.

We have however felt it to be our duty to prevail upon him to admit of a delay in the transmission of a part of the papers until we are able with the assistance of our Secretary and Clerks to put them in order. It has however been agreed that Mr. Bigge should take the papers connected with some subjects to which his health might permit him to devote his attention during the voyage, or on his first arrival in England.

He has accordingly selected and taken with him the evidence and papers relating to the Hottentots, the Bosjesmen and Caffres, Slaves and Prize Negroes. These papers in their present

condition are not fit for official transmission to the Secretary of State, either for publication or for record, and we are therefore induced to request that in the event of Mr. Bigge being prevented from compiling them, they may be retained unopened until the period of our return to England, as we should not feel ourselves justified in delivering them over in their present condition.

It is our intention in forwarding the remainder of the papers to the Office of the Secretary of State to request that Mr. Bigge if in London may have full access to them, but in the event of his health obliging him to leave England, they would be in a fit state to admit of their publication if required before the period of our return to England. We have &c.

(Signed) W. M. G. COLEBROOKE,
 W. BLAIR.

[Original.]

Report of the Commissioners of Inquiry upon the Trade of
the Cape of Good Hope, the Navigation of the Coast, and
the Improvement of the Harbours of that Colony.

MAURITIUS, 3rd October 1828.

SIR,—Having upon more than one occasion adverted to the system by which the Commercial Intercourse of the Cape of Good Hope with other countries was regulated during the government of the Dutch East India Company, and to a partial relaxation of it which was afforded under the short rule of the Batavian Republic, it will not be necessary for us to recapitulate them; and we shall therefore confine our observations upon the Trade of the Colony, to the Enactments by which it has been regulated since the re-establishment of the British authority in the year 1806; and after noticing the natural advantages for trade which it derives from its geographical position, and those which may be added to it by art and capital, we shall submit to the consideration of His Majesty's Government the means by which we think these advantages may be improved. It would have been satisfactory

to us, in the discharge of this part of our duty, to have derived that assistance which we were led to expect at an early period after our arrival in the colony, from the information which it was the wish of the leading members of the Associated Body of Merchants to have collected and supplied to us; but although reasons (of the propriety of which we forbear to judge) induced them to relinquish their intention, we have certainly experienced no reluctance in any individuals of the commercial body in the colony to afford us information when we requested it; and the evidence of two or three, who are distinguished for their experience and intelligence upon commercial subjects, will, we hope, be found to compensate for the more detailed communications with which we expected to have been favoured. The first regulation which was made after the capture of the colony in 1806, respecting its Trade, was that which was promulgated by Lieut.-General Sir David Baird, and dated 30th May 1806, in the form of a Government advertisement, containing extracts from instructions given to the Collector of the Customs. By this document the importation of Indian produce was permitted in British ships from any part of India or the Eastward, and by neutrals from Foreign and British Settlements, (the re-exportation of such produce being strictly prohibited.) European manufactures were also allowed to be imported in British and neutral ships, subject to duties of various amounts, but always favourable to British navigation.

By virtue of an Act of Parliament which passed in the year 1809, and which continued during the war, authorizing His Majesty to regulate the Trade of the Cape, an Order in Council was passed, by which His Majesty was pleased to allow the ships and vessels of all or any country in amity with Great Britain to import into the Cape and to export from thence any goods, wares or merchandize whatever, upon payment of a duty not exceeding 15 per cent on the value, but confining the importation of goods and produce of countries to the eastward of the Cape to the ships of the East India Company, or to ships furnished with their license, and prohibiting the re-exportation of them, except for sea stores, without their license; this restriction was partially modified in the year 1811, when a trade between the Cape and the

island of Ceylon and New South Wales in articles the produce of those colonies was sanctioned in ships, not exceeding three in one year, and of 300 tons each. A further modification was made in the year 1814, when after the passing of the Act of the 54 Geo. 3, c. 34, by which British vessels exceeding 350 tons were admitted to trade with places within the limits of the East India Company's Charter, and in which the Cape of Good Hope was specially included, an Order in Council was passed, dated 24th September 1814, admitting the vessels of foreign and friendly states to the ports of the settlement, and permitting the disposal of as much of their cargoes as might be necessary for defraying the expenses of repair and refreshment, and likewise the importation of provisions under license of the Governor; permission was also given for the exportation from the Cape to the ports of the United Kingdom in British vessels of all articles the produce of countries to the eastward of the Cape, which might be legally imported into the settlement, and subject to the regulations and restrictions imposed by the 53 Geo. 3, c. 155; and also for the exportation of the same articles, or those of British or European manufacture, to places to which trade in them had been allowed to be carried on by the 54 Geo. 3, c. 34, in British vessels or in those built in the territories of the East India Company, or to any ports or places to which trade might be legally carried on from the settlement. The provisions of this Order had been in some degree anticipated by the local government, who, with a view to the encouragement of the transit trade, had issued a proclamation, dated the 24th June 1814, authorizing the entry and deposit of all goods coming from the eastward, which might be legally re-exported under the charge of the Collector and Comptroller of His Majesty's Customs, and the exportation of them duty free within the period of eighteen months, on payment of the usual rates of wharfage and warehouse rent.

In the year 1820, His present Majesty, in the exercise of the power which was given by an Act passed in that year to regulate the Trade of the Cape, was pleased to issue an Order in Council, permitting the importation in British vessels of all goods, (except articles composed of cotton, iron, steel or wool.) the production of countries in amity with His Majesty,

and the exportation of Cape produce, or of any other articles legally imported there. Permission was also given to the vessels of friendly and foreign states, to import into the colony and dispose of goods the produce and manufacture of the countries to which they belonged, (with the exception of the before-mentioned articles,) on payment of the same duties as those to which such goods were liable when imported in British vessels, or to any higher duty to which they were subject when exported from the country of their produce and in their own vessels. The Act passed in the sixth year of His Majesty's reign, for regulating the Trade of His Majesty's Possessions abroad, and an Order in Council framed in conformity to it, have now confined the importation of foreign goods to the vessels of those states in whose favour, and in consequence of fulfilling the conditions of reciprocity within the time prescribed by the Act, His Majesty has been pleased to declare the concession of this privilege.

By an Order in Council, dated the 19th September 1823, which recites the Act of the 54 Geo. 3, and the Order in Council of September 1814, that was issued in conformity to it, regulating the trade between the Cape and other places within the limits of the East India Company's charter, and the tonnage of vessels engaged in it, it has been declared, that so much of the order as related to the latter subject, and to the exportation of goods from the Cape to the ports of the United Kingdom, is revoked, and that both these matters are now made subject to the provisions of the 4 Geo. 4, c. 80, by the second section of which the trade between all places within the limits of the East India Company's charter (except China) is opened to any of His Majesty's subjects, and in vessels navigated according to law, without restriction as to their tonnage.

The importation of British goods and produce in British vessels, from any part of His Majesty's dominions, was declared by a proclamation of Lord Caledon, issued in the year 1807, to be free from duty, and it so continued until the 1st of August 1813, when by virtue of a proclamation that had been issued by Governor Sir John Cradock, in the month of January preceding, a duty of three per cent was imposed, which by a subsequent Order of the King in Council, was

raised to three and a quarter per cent, the rate at which the duty is now assessed. The importation of goods not the produce of Great Britain and Ireland, in British vessels, was at first subject to a duty of five, which in the year 1809 was raised to 10 per cent, and when effected in foreign vessels was subject to a duty of 15 per cent, but which in the year 1820 was reduced to 10 per cent, a countervailing duty being added equal to that which might be imposed upon the exportation of the same goods in British vessels.

It was the policy of Sir John Cradock's government to relieve the exportation of Cape produce from the duties which had been imposed even upon provisions and stores by the authority of the Dutch governor and council in the year 1803, and at present it is subject to no other charge than that of one rixdollar for the permit and wharfage dues, which are levied for the support of the wharf.

After the Act of Parliament was passed in the year 1814, regulating the trade between places within the limits of the East India Company's charter, expectations were entertained by the colonial government that a transit trade in East India goods might be advantageously established between the Cape and other places; and a permission was accordingly given to persons interested in vessels coming from the eastward, to enter any goods which might be legally re-exported, duty free, and to lodge them in the Custom-house at Cape Town and Simon's Town, and to re-export them within the space of eighteen months, upon payment of the usual rates of wharfage and warehouse, and expense of permits; but it was not until the year 1816 that the duties which had continued to be levied upon the re-exportation of articles imported from the United Kingdom, or the East Indies, were repealed, and by a proclamation of a later date, the entry and deposit of all foreign goods imported into the colony under the Order in Council of the year 1820 was permitted, as well as the re-exportation of them at any time within eighteen months, duty free, but subject to the condition (in the event of their sale when under bond) of investing two-thirds of the amount in colonial produce for exportation, which by parenthesis is explained as including merchandize legally imported or bonded.

Until very recently the exportation and importation of wheat has been restrained by the authority of the local government upon the information received at different times of the deficiency or abundance of the annual produce in the colony. The former had been permitted to take place under licences of the Governor, available only at the Custom-house, when the average market-price of wheat taken from a weekly return made by the president of the burgher senate to the collector of the customs, should exceed the price of 130 rix-dollars per load of ten muids ; and the importation of wheat was allowed for ten months subsequent to the month of February 1822, upon a reduction of duty from ten to three per cent, and wheat and flour imported in vessels trading under the Order in Council of 12th July 1820, were permitted to be received at all times in future into bond in the Custom-house or private stores, whenever the average market-price of Cape wheat should amount to or exceed 160 rixdollars per load of ten muids. A deduction of one-fifth of the duty was also allowed in favour of wheat from India on account of its inferior quality and condition. The duty of ten per cent upon the importation of foreign wheat and corn was revived after the expiration of the period assigned for its temporary reduction, and in the present year the corn trade has been liberated from all these restraints.

From the Returns furnished to us of the tonnage of vessels that have entered Table and Simon's Bays from the year 1819 to the year 1823, we find that its largest amount in any one year was 88,778 tons, not comprehending British and foreign ships of war, transports, chartered store-ships, and coasters ; and that in consequence of the reduction which took place in the establishment of the island of St. Helena in the year 1820, the tonnage of vessels entering Table Bay in 1821 was reduced to 54,319 tons, and that of Simon's Bay, whence a considerable portion of the supplies for St. Helena were shipped, was reduced from 21,000 to 13,000 tons. In the year 1823, the tonnage of vessels that arrived in Table Bay amounted to 54,512, and that of Simon's Bay to 15,599 tons, not including ships of war, transports, and coasting vessels. But it must be observed that the return of tonnage entering Simon's Bay comprises a great portion of that which is

included in the return of Table Bay. A return of a more comprehensive nature, furnished to us by the deputy port captain, of the vessels that entered Table Bay between the years 1810 and 1826, exhibits more distinctly the nature of the general and commercial intercourse which has taken place in that period; and from the Abstract that has been made of this Return, it appears that during the period above mentioned, 1848 British merchant ships and 297 ships of war, transports and others have entered Table Bay; and that the number of British merchant ships increased after the years of war from 96 to 138, the largest amount that it attained in the year 1823. Of foreign vessels, 28 French and eight Dutch ships of war have entered Table Bay, and 377 foreign merchant ships, of which the Dutch and French were the most numerous; but we do not find that these numbers have much increased since the year 1820, in which the Order in Council was passed favouring their admission. The return of vessels that have entered Simon's Bay comprises a shorter period from 1819 to 1825, during which, and subject to the observation already made, and to that of being the anchorage of His Majesty's ships on this station, it appears that the British ships of war amounted to 120, the foreign ships to six, and the merchant ships altogether to 250.

Ships touching at Algoa Bay (otherwise called Port Elizabeth) have been occasionally allowed to land part of their cargoes there upon emergencies, and as it appeared that applications were made in the year 1825 to land cargoes under license, the local government, in the year 1826, published a minute, in which permission was given to vessels to enter into and clear out from that port, on payment of the accustomed dues. Since that period, vessels have cleared out from England, and have been admitted to entry at Port Elizabeth direct, and others have also cleared out thence for Mauritius.

A tonnage duty of two skillings ($4\frac{1}{2}d.$ sterling) per ton is levied upon all vessels that arrive in either of the anchorages for the purpose of trade, and of one skilling (or $2\frac{1}{4}d.$) per ton upon those that only anchor for water and refreshments. Coasting vessels pay two skillings ($4\frac{1}{2}d.$) per ton every six months, and vessels clearing out at the port-office are charged

with two rix-dollars (3*s.* sterling) for the port instructions, and a fee of five rix-dollars (7*s.* 6*d.* sterling) paid to the port captain.

With a view to procure information respecting the nature and extent of the trade of the Cape of Good Hope, we obtained from the Custom-house a Return of the description and value of the goods imported and exported to and from Table Bay since the year 1816, and a similar return from the collector of customs at Simon's Bay from the year 1814. We were informed by the collector and comptroller of the customs at Cape Town, that they were not able to give a longer retrospect to these Returns, as the system of assessing the duty upon the value of imported goods by the declaration of the importer was not adopted until the year 1816; but we find that the duty of three per cent, which was directed to be levied on the manufactures of the United Kingdom as far back as 1813, was assessed upon their value in those instances in which it was not set forth in the book of rates, with which that proclamation was accompanied.

It was also stated by the collector and comptroller, that in order to obtain the real value of the goods imported, 25 per cent should be added to the estimated value, although authority had been given by a subsequent Proclamation to the officers of the customs to seize and sell any goods which should appear to them to be undervalued, and to pay the amount of the declared value to the proprietor or agent; and although we were informed by the comptroller, that he never recollected any instance of goods being seized on account of being declared at a rate below their value, and which is fixed by the officers of the customs according to the information they obtain of the state of the market.

The articles of British manufacture which have been imported comprise woollen goods, wearing apparel and slop clothing; cotton goods, silks, haberdashery, linens, dressed and wrought leather, iron, hardware, glass and china wares, stationery and cordage. The produce of the British plantations imported from Great Britain has consisted of wood and staves, and a small quantity of spirits. The goods imported from the eastward (in which description is included the produce of the island of Mauritius) have consisted of cottons and

muslins, sugar, coffee, wheat and rice, tea, French, Portuguese and Spanish wines.

The importations from South America and the West Indies, since the year 1820, have consisted of coffee, sugar and tobacco; those from New South Wales, of small quantities of wood and coals. Of this trade of import the largest portion consists of British manufactures, the official value of which having amounted to nearly three millions of rixdollars in the years 1817 and 1818, declined to one half of that sum in 1820, and after reaching three millions in 1824, again experienced a decline in the years 1825 and 1826, in the last of which it scarcely exceeded two millions of rixdollars.

By reference to the Table of Imports from the year 1820 to 1826, the period in which the foreign trade with the colony was legalized, it will be found that the amount of importations from India, which have unfortunately been confounded in the Custom-house Returns with those from the island of Mauritius, and other places to the eastward of the Cape, began to decline in the year 1823. This circumstance is attributed to the successful competition of the British cotton manufactures with those of India, to a similar effect produced by importations of the silk manufactures of France, and the expensive freight to which goods from India are subject, and which is stated to be equal to that which is paid upon the whole voyage to Europe.

The importation of Goods from China has been confined to that of tea, silks and a few articles of china and lacquered ware, which the officers of the East India Company's ships have been permitted to dispose of on the annual visit of their vessels to the Cape on their return voyage, and which have not usually exceeded two.

The restrictions by which the Company's monopoly of the China trade is guarded have been carried to their utmost extent by the officers of the customs at the Cape, and their effect upon the price of tea has been injuriously felt by the middling and lower classes of the population, amongst whom the consumption of tea of ordinary quality has become very general. The price at which it has been usually sold at public auction has not been subject to much variation; and according to the terms of the arrangement made between His Majesty's

Government and the Directors of the East India Company in the year 1806, ought not to have exceeded an advance of six per cent on the cost, freight, and charges.

From an account which was furnished by a gentleman, who is very conversant in the China trade and with the mode in which it is conducted by the Company, it would appear that the profits realized in the sales of tea by their agent at the Cape have greatly exceeded that rate.

In the early part of last year, an attempt was made by a mercantile house in Cape Town to introduce a small quantity of tea, which had been permitted to be exported from England, and the Lieutenant-Governor in Council gave directions for the delivery of it from the Custom-house, notwithstanding the opposition of the India Company's agent, and the opinion of the officers of the customs, who considered that the trade in tea at the Cape, and all places within or without the limits of the Company's charter, was restricted by the 55th Geo. 3 and the 4th Geo. 4, c. 80, exclusively to the Company, or to persons licensed by them; and that the restriction equally applied to the re-exportation of tea from England, whither it had been previously conveyed in the Company's ships, as to the direct importation of it at the Cape from China.

Whatever may be the ultimate determination of this question, we conceive that the East India Company are not entitled to deprive the inhabitants of the Cape of the secondary advantage of importing their tea from England, unless they are prepared to show that they have adhered to the terms upon which the supply of this article was stipulated; and while we observe with regret the injury which the colonists have suffered from a departure from these terms, we are not aware of any corresponding advantage which the colony has derived from the mode in which the supply has been made, which should recommend a continuance of the monopoly to which other places within the limits of the charter are not subject.

The imports from South America and the West Indies, consisting of sugar, coffee and tobacco, have upon the whole increased, and especially from Brazil, in the year 1826.

Of the foreign import trade the most considerable is that of

the Netherlands and Java, consisting of provisions and spirits, and a few manufactured goods and coffee. Those from France, of which more than two-thirds were imported in French vessels, consist of wines, brandies and silks, and they continued to increase until the year 1825. The imports from the United States, consisting of wood, wheat and flour, have been very inconsiderable, and those, with a few articles of the same kind from Denmark, imported in Danish ships, constitute the whole of the foreign import trade which has subsisted since the promulgation of the Order in Council of 1820. Of these foreign goods, it is fit to observe that eleven million three hundred and thirty-two thousand rixdollars in value, have been imported in British, and one million six hundred and eighty-nine thousand in Foreign vessels.

The Appendix (No. 1) of exports from the year 1807 to 1826 exhibits an increase in those which consisted of colonial produce during the first half of the period from one hundred and twenty-six thousand eight hundred and seventy-two rixdollars, to one million two hundred and sixty-five thousand six hundred and twenty-nine; and in the last half to two million one hundred and eleven thousand two hundred and twenty-seven rixdollars.

The principal articles have consisted of wines, hides and skins, butter, aloes and whale oil, ostrich feathers, wheat and wool: and from the Appendix (No. 3) it appears that Great Britain receives nearly two-thirds of this produce, but that the amount in the year 1826 had diminished by one-third of that which appears upon the returns of former years. The exports of colonial produce to Mauritius and South America have increased, while those to Europe, between the year 1820 and the end of the year 1826, (and which have almost wholly been made to the Netherlands,) had gradually declined in the first five years, but have revived in 1826.

The exportations to St. Helena appear to have been very considerable during the continuance of the large naval and military establishments, but they have also declined since the year 1820, and are now nearly limited to a supply of wine purchased on account of the East India Company.

An increase has taken place in the exports to New South Wales, consisting chiefly in wine; and in two years during the

same period we observe that exportations of wine have been made to North America.

In preparing the abstracts and tables from the Custom-house returns, it has not been practicable to distinguish the trade carried on between the Cape and the island of Mauritius, and "other places to the eastward," the general term under which it is described; but a Return has been furnished of the imports and exports to and from the Cape, from the Custom-house at Mauritius, from which it is reasonable to conclude that an exchange in the produce of both places, and highly beneficial to them, will in future be maintained, consisting in horses, mules, grain, butter and salted provisions from the Cape, for which sugar of a coarse quality, cheaper and more adapted to the consumption of the colonists than the finer but weaker produce of Brazil has been returned. The value of the horses and mules increased from £9,340 in 1826 to double the amount in 1827, and we have no doubt that if the production and exportation of grain had not been checked at the Cape by the effect of the regulations there, a similar increase would have taken place in the exportation of that produce.

The trade between the Cape of Good Hope and the Portuguese settlements on the eastern coast of Africa appears to be checked by the successful competition which the owners of Portuguese vessels engaged in the slave trade upon that coast are enabled to maintain; gold dust, gums, ivory and tortoise-shell being articles which those vessels can carry in addition to their cargoes of slaves. When the period arrives in which the trade in slaves will cease to be lawful to the subjects of Portugal and Brazil, it is probable that an intercourse of a beneficial nature may be conducted between the Cape and the settlements on the eastern coast, and untainted by those suspicious circumstances which it became our duty on a former occasion to notice. No direct trade seems hitherto to have taken place between the Cape and the island of Madagascar, but we think it not improbable that a demand may arise there for the horses and mules of the Cape, exchangeable for the inferior kind of rice which is now imported through Mauritius, or for cattle which would be disposable in the latter island in exchange for sugars.

While this increase has taken place in the amount of the colonial produce exported to Great Britain, and to other places, we have to notice the state of the transit trade of the Cape; and upon reference to the Appendix, No. 3, it appears that during the first three years ending in 1822, the value of the goods re-exported increased from three hundred and forty-nine thousand to seven hundred and twenty-five thousand rix-dollars, and that in the last four years it declined to one hundred and ninety-five thousand rix-dollars. The largest portion of this trade has consisted of the re-exportation of cotton goods, of Indian manufactures, spices and drugs to Great Britain and South America, and in smaller proportion to the Netherlands, and of articles of British manufacture to the East Indies, and to the colonies of Mauritius and New South Wales.

Having now detailed the regulations to which the trade of the Cape has been made subject, as well as the nature of the articles employed in it, and the direction which it has taken, we will consider the effect which the former may have had upon the commercial interest of the colony, and its capacity for foreign trade. Although the policy which has been recently adopted by Great Britain in the admission of foreigners to trade with her colonies was applied to the Cape of Good Hope at an earlier period than to her other colonial possessions, yet the support given to the commercial privileges of the East India Company has materially obstructed the benefits which these partial relaxations were calculated to confer. The importation of goods, the produce of the territories of the Company, was confined to their own ships, or those which enjoyed their license; and it was burthened with an expensive freight, equal to that which is paid on cargoes destined to London, and also with a local duty of 15 per cent.

The state of warfare in which Great Britain was engaged with the different powers of Europe, and their exclusion from the Southern and Indian Seas, restrained all intercourse with them, while the prohibition to export East India goods, except for sea stores, and with the license of the Company, operated as a discouragement to the commerce of friendly states with the Cape, by imposing a restraint upon the export, and by enhancing the price of those articles, the cheapness

and abundance of which at that period would have formed a principal inducement for their resort to it.

By the order in council of 1814, the admission of foreign ships and vessels, and the sale of their cargoes were greatly restricted; and although the exportation of eastern produce to the ports of Great Britain was extended to other vessels than those of the East India Company, and likewise permitted to any ports or places to which trade might be legally carried on from the settlement, yet the regulation respecting the tonnage of vessels employed in it has been found to interfere with the limited scale upon which such undertakings could be advantageously conducted; and it does not appear that the power of exporting India produce from the Cape to other places with which trade was allowed, was understood in the sense which has been more recently applied to it.

In estimating the effects of these restrictions we are not unmindful of the disadvantage under which the colony labours, and arising from the insecurity of its harbours, a subject which we shall notice hereafter; but we advert to them principally for the purpose of showing that the policy by which the trade has been hitherto regulated has at no period, with which we are acquainted, since the return of the colony to the British dominion enjoyed that degree of freedom which we apprehend will be indispensable for the formation and encouragement of the trade of deposit. We think that it is also to be regretted, that after the admission of foreigners to the colonial trade under the order in council of 1820, burthened as it has been by the prohibition of certain articles of import, any condition should have been imposed by the colonial government which had the effect of fettering the choice, or limiting the means of re-investment.

The produce of the Cape, as we shall hereafter show, does not offer that variety from which a large cargo can be assorted, either for the European or Indian markets, and until the vessels of small tonnage were permitted to convey it thither, opportunities were to be sought or waited for in vessels of large burthen and expensive freight, accidentally touching in Table Bay. A similar effect has been produced upon the trade with India, enhancing the price of the manufactures and produce of the former to European purchasers,

and diminishing the inducement which they would otherwise have had to abridge the length of their voyage. Under these restrictions, we do not feel surprise that the returns of the transit trade have been so limited, and that so few European vessels have hitherto availed themselves of the advantages which the geographical situation of the colony undoubtedly holds out to them.

In considering the objections which may be made to any new mode of supplying the markets of England and of Europe with the manufactures and produce of the East, and to rendering the Cape the medium by which that object may be effected, it is to be observed that the commercial privileges of the East India Company have long ago yielded to the general interests of British commerce, and that the ports of India have been opened to it in vessels of light tonnage; and as foreigners have also been permitted to share in it, subject only to the payment of larger duties, we conceive that any injury that may be sustained by the loss of them will be compensated by an increased demand and facility of supply.

The re-exportation of Indian produce from the Cape to the ports of the United Kingdom is not subject to any other restriction than that which applies to goods imported from India direct, and which comprises all the precautions which have been considered necessary to secure the revenue in England; and as the direct exportation of them from places within the limits of the East India Company's charter (including the Cape of Good Hope) to any of the British possessions in America has been encouraged by recent enactments, we think it not improbable that a profitable employment may be found in conveying from the Cape the cheaper commodities of the East, together with salt provisions and wines, the produce of the colony.

A similar intercourse may be expected to take place with Brazil and other States of South America. Adverting therefore to the spirit in which the later regulations have been framed for the commerce of the British possessions in India, we see no just ground of jealousy or apprehension in the free admission and the exportation of articles of its produce to and from the Cape.

The great improvements that have taken place in naviga-

tion, and the shorter time with which Eastern voyages are now accomplished, may have diminished in some degree the importance which was first attached to the occupation of the Cape by the Dutch, as a place of refreshment for their vessels engaged in the trade with India; and the establishment of St. Helena by the East India Company has contributed to this effect, by the preference given to it by vessels returning to Europe and requiring supplies of water.

It has been stated to us, that the average amount of disbursements for refreshments made by British vessels at the Cape, including those of passengers, in a period embracing four years, has amounted to £600 sterling for each ship, and where supplies of the same kind are procured at St. Helena or at Mauritius there can be no doubt that the expense must be far more considerable.

To afford to the transit trade of the Cape any chance of successful competition with the direct trade between Europe and India, it will be necessary that the former should be relieved from all imposts which might add to its expense; the system of admitting goods for entry and deposit free of duty, which has been applied to goods imported from the East as well as to foreign goods on re-exportation, should in like manner be applied to British and European goods.

This system has been acted upon, and although productive to the revenue in the shape of store-rent only, has met with due encouragement and accommodation from the local government and its officers; but we take this opportunity of recommending that the condition of investing the proceeds of goods sold when under bond in colonial produce, or in goods imported and warehoused for exportation, should be withdrawn as being contrary to the principle upon which alone the transit trade can be expected to prosper.

It has been stated, that to give full effect to the warehousing system, it will be necessary to extend the privilege of bonding imported goods to the warehouses of private merchants. Notwithstanding the facility which appears to have been generally afforded by the officers of the customs at Cape Town, in the admission and delivery of bonded goods, and the accommodation which the King's warehouses attached to them are capable of affording, we think that, for

the purposes of selection and assortment of goods, the resort to private warehouses, and under the restrictions imposed by the 33rd and following clauses of the 6 Geo. IV, c. 114, may be found very desirable.

We shall have to notice the improvements which we think may be made in the landing of goods in Table Bay; but as we apprehend that difficulty, as well as uncertainty, arising from the prevalence of strong south-east winds in the summer season, in which ships are accustomed to anchor there, will always attend this operation, it would be advisable to afford as much facility as possible to the transfer of goods from vessels at anchor in the presence of officers of the customs. We anticipate that a trade of this description is more likely to prove attractive to European foreigners, who may be less disposed than British and American traders to adventure their capital in distant voyages.

As the restriction upon the tonnage of British vessels, in which East India goods are allowed to be exported from places within the limits of the Company's charter into the ports of the United Kingdom, is now removed by the repealing clauses of the 4 Geo. 4, c. 80, sec. 14, the export trade from the Cape may be expected to increase; but in the view we have taken, unless foreign vessels are admitted to partake of it, the benefit to the colony will not be considerable.

The vessels which are most likely to avail themselves of this intercourse are those of France, the Netherlands, Denmark and the United States; and with the two last an expectation may be entertained of creating a demand for the cheaper wines of the colony in exchange for their timber, staves and iron. It is also not improbable that, with permission to dispose of such cargoes in the colony, they might be induced to exchange them for the produce and manufactures of the east, which, without such permission, they could only purchase with specie.

We are aware that in proposing the admission of foreign vessels and their produce to the ports of the Cape of Good Hope, without reference to the performance of the condition of reciprocity, which has been annexed to the admission of foreigners to the trade of other British colonies by the 4th

clause of the 6 Geo. 4, c. 114, we are recommending an exception to a principle of commercial legislation now generally applied to British possessions abroad; but we submit that while the strict application of the principle will deprive the Cape of the great advantage which it might derive from its geographical position, it also imposes a severe limitation upon the disposal of two principal articles of its produce, corn and wine, which, instead of the protection and monopoly that is afforded to the produce of other British colonies in the market of Great Britain, are either positively excluded, or placed upon a footing in that market, very nearly with the produce of foreign states. The distance also by which the colony is separated from the mother country, and the expensive freight to which its produce is subject, form an additional reason for allowing the inhabitants to open a market in their own ports, and to make it an object of attraction to foreigners, by abridging the length of their voyages, by quickening the returns of their capital, and by enabling them to obtain provisions and refreshments at a cheap rate. Upon the same principle, and with the conviction that an unlimited choice of European goods is equally necessary to support that branch of the transit trade which may be carried on between the Cape and India, we venture to propose the entire removal of the restriction upon the importation of foreign manufactured articles of iron, cotton and wool; and we have already recommended a reduction of the duties at present imposed on the produce and manufactures of foreign countries, and of those situated to the eastward of the Cape. With regard to these, or future regulations of the trade of the colony, we think it would be advisable that they should emanate from the authority of the metropolitan, rather than the colonial government. A practice, for which no authority exists, has prevailed of requiring the deposit of the ships' registers in the hands of the collector and comptroller of customs, as a security for the payment of the port dues; we conceive, that as the detention of these documents for such a purpose is unauthorized, the receipt of the port dues may be sufficiently secured by withholding the clearance until a certificate of the payment of them is exhibited at the Custom-house. The detention and deposit of the registers which is calculated, and is stated to have

been the subject of complaint and uneasiness, especially to the masters of large vessels, should no longer be required.

The charges made for bonding goods in the Custom-house are found to be reasonable, and the accommodation, although capable of improvement at a small expense, is advantageous to the merchants who resort to it.

The landing of goods at the wharf at Cape Town is liable to much interruption from weather, and special permission is required for landing them at any other place.

The Trade between the Cape and Mauritius has not recently been subject to the same degree of restraint as that with other places to the eastward; but the duty of ten per cent, which is levied upon all goods and produce imported from that quarter, tends unnecessarily to raise the price of a principal article of consumption (sugar), and which is imported from Mauritius in exchange for the grain, horses and provisions of the Cape; and which also would constitute a valuable medium of remittance to Great Britain, in the hands of the Cape merchants, if allowed to be imported into the United Kingdom under the same duty to which it is subject when imported direct from Mauritius, and under the same certificate of production that is required by the 27th clause of the 6 Geo. 4, c. 114, in the case of produce shipped for exportation in any of the British possessions in America, and not raised in the place of shipment. The present balance of the commercial transactions of the two colonies preponderates in favour of the Cape; and under the encouragement which has been recently afforded by the government of Mauritius in relieving salt provisions imported from the Cape, from the duty of six per cent, which had been previously imposed upon all imported goods, it is probable that the demand for them will be much extended.

The exemption from duty, which is conceded by the 9th clause of the Act for regulating His Majesty's possessions abroad, in favour of goods the produce of places within the limits of the East India Company's charter, when imported directly thence into Mauritius, and the colonies in America, would have placed the importation of provisions from the Cape upon the same footing as was doubtless intended to be given to the supply of His Majesty's colonial possessions in

other produce of the east ; but we find that this exemption is controlled by the 34th clause of a subsequent Act, and does not extend to duties imposed by other authority than that of the Imperial Parliament.

An abundant and cheap supply of those articles of provisions which the colony of Mauritius is unable, or has ceased to raise, must necessarily be an object of primary importance. In conformity to this principle, we find that grain, and all other provisions, with the exception of wheat flour, which is subject to a colonial duty of one per cent *ad valorem*, are admitted into Mauritius duty free ; oats and hay, horses, sheep and cattle are exempted from duty by a colonial regulation ; and we trust that it may be found expedient to continue this exemption, and to extend it to every kind of provisions, horses, mules and live stock.

Although the Cape wines appear to be but little adapted to the taste of the inhabitants of Mauritius, they are partially consumed, and a reduction of the duty of six per cent would be desirable, although the consumption of inferior French wines amongst the lower class of the population might not be altogether superseded. We think that the consumption of the preserved and dried fruits of the Cape will be increased by exempting them from the duty of six per cent, as they can enter into competition with those of France. The reduction and equalization of the duties upon the sugar of Mauritius imported into the Cape would materially tend to the commercial interest of both colonies. Of the several descriptions of sugar manufactured there that of middling fineness has been found to be best adapted to the Cape market ; and as the duty of eleven pence per cwt. is levied upon all sugars exported from Mauritius, it has been calculated to amount in some cases to ten and fifteen per cent upon the coarser qualities, while on importation into the Cape it is again subject to a duty of ten per cent, taken *ad valorem*. As it is the principal article of export to the Cape, and as it is found to be more economical than the weaker sugars of Brazil, we conceive that a reduction of the duties in both colonies will tend to increase the consumption without impairing the revenue.

The advantage which seems to have been contemplated in an official intimation of an open Trade between the Cape and

the West India colonies does not appear to have been realized ; but as the exportation of the produce of places within the limits of the East India Company's charter, and thence to the British possessions in America, has been legalized and encouraged, we think that an opportunity is now afforded for combining it with the exportation of wine, salt provisions, and flour from the Cape ; and as the voyage is not a long one, and may be connected advantageously with the export of West India produce to England and Europe, the freights of the intermediate voyage will be afforded upon reasonable terms.

Notwithstanding the decline that has taken place in the demand for the ordinary articles of produce at the Cape, it is satisfactory to observe that since attempts have been made to establish more pacific relations with the frontier tribes, and in consequence of the activity and enterprise of the English settlers, an increase has taken place in the few articles which the former were enabled to exchange with the colonists of the Cape, and which consist of ivory, skins, hides and gums.

In a period of seven years, ending in 1826, the quantity of hides exported has increased from 3,819 pieces to 40,047 ; that of ivory from 9,510 lbs. to 48,258 ; and of gum from 600 lbs. to 25,124. The employment of a greater number, and of different classes of the inhabitants, more especially of the Hottentots, in the collection and conveyance of these articles, and the increased communication between the eastern frontier and Cape Town afforded by coasting vessels, have much tended to produce this effect. The trade between the districts beyond Swellendam and Cape Town is chiefly carried on by the same means ; and since the opening of the Breede River in St. Sebastian's Bay, a small port in the district, and capable of admitting vessels of 100 tons burthen, some activity has been given to the agriculture of the surrounding districts. A similar effect has been produced by the exertions of a few individuals upon the western coast, in the district of Clanwilliam and adjacent to the Kamiesberg. Nothing, however, would tend so much to stimulate the industry of the inhabitants, and to augment their means of creating and supplying a trade of export, as the improvement of the internal communications, whether in the direction of Cape Town or from the interior to

the bays and harbours on the coast, to which vessels can conveniently or safely repair. The difficulty of these communications, together with the distance of the port or place of delivery, still press heavily upon the small profits of agricultural industry; while the abstraction of the farmer from his pursuits and from the superintendence of his labourers (especially if they consist of slaves), is attended with the worst consequences to both.

A considerable improvement has recently been made in a difficult pass of the ridge of mountains which separates the district of Worcester from those of Stellenbosch and the Cape; but the communication by the pass of Hottentot's Holland, and one of the district of George, which are nearly of equal importance, still require great amelioration.

Although the Coasting Trade has recently increased, yet the expense of freight from Port Elizabeth, the River Knysna, and Mossel Bay, from the most remote of which the ordinary length of passage does not exceed seven days, is stated to be equal to the expense of freight from the northern ports of Europe to England. The vessels engaged in this trade are not of large burthen, and do not exceed 150 or 200 tons, and are navigated chiefly by English and Foreign sailors. The navigation of this coast is not understood to be attended with greater danger than that of the eastern coast of England; but the bays in which vessels can anchor are not secure, and the river harbours are difficult of access. Vessels are required to be well manned and equipped to be in a condition to withstand the tempestuous weather and heavy seas of a winter voyage, and the violence of the south-east winds which prevail in the summer.

On account of the cheapness of subsistence, and the slight degree of labour by which it may be acquired, maritime occupations have not yet become a necessary resource, nor do they seem to be popular amongst any classes of the community; and the failure of the attempts that have occasionally been made to fix a maritime population upon the coasts of the colony may be attributed, in a great measure, to these causes.

Establishments for conducting the whale fishery have been tried in favourable situations at Robben Island, in Table Bay, in Simon's, St. Helena and Mossel Bays, and on Deyer's Island; but from want of sufficient capital, and latterly, from

the desertion of the coast by the whales, they have ceased to be productive.

In the year 1823 the value of the oil exported from Table Bay and Simon's Bay exceeded the sum of 100,000 dollars, or £7,500; in the years 1825 and 1826 it did not amount to £3,000. Seals are taken upon the eastern coast of the colony; and an establishment has been formed on one of the "Bird Islands," in Algoa Bay, which has given some promise of future success; but this trade, always uncertain, is liable to great interruption from the arrival of the south-sea whalers, who also resort to St. Helena and to Saldanha Bays.

Abundance of fish, fit for curing, is procured in Table Bay, and in the other bays of the colony, and forms a considerable portion of the food of the labouring population at Cape Town, and in the immediate neighbourhood, where also the occupation of fishing affords employment to a great many individuals of the coloured classes, chiefly Malays, and a few negro apprentices. In the districts of the colony the farmers are in the habit of repairing to the sea-coasts, and of taking and curing a sufficient quantity of fish for a limited consumption in their own families. When the roads of communication between these bays and the interior of the country have been opened, by which the agricultural industry of the farmers will be stimulated, a spirit of enterprise in maritime pursuits may also be called into action, and supersede the indolence and inactivity in which the agricultural classes in South Africa are too prone to indulge. In reflecting upon the means by which these dispositions may be fostered and encouraged, it has occurred to us, that the presence of a naval force on the Cape station, in time of peace, and the probability of its increase in the event of a war, would afford favourable opportunities for the employment and instruction of apprentices selected from the families of the inhabitants of the colony, and thus of creating, in this remote position, a most desirable resource in time of war for the supply of the naval forces of Great Britain.

The policy by which the intercourse of the inhabitants of the colony with the border tribes had been regulated under the Dutch government was adverse to the establishment of commercial relations with them, and the circumstances which we have detailed in former Reports, and which are comprised

in the period that has elapsed since the restoration of the colony to British authority, have had a direct tendency to keep alive in the breast of the colonists a distrust and suspicion of the pacific intentions of the border tribes, and in the latter, a spirit of vengeance and retaliation for gradual encroachments upon their territory. After the repulse of the Caffres in the year 1819, the intercourse with them was limited to the supply of their wants by barter at Graham's Town; but as a disposition was expressed by one of their chiefs to extend their intercourse, it was proposed to hold an annual fair on the banks of the River Keiskamma, a position somewhat in advance of the frontier line on the side of Caffraria, and certain regulations were framed and published, for the purpose of preserving order, and preventing the sale of spirituous liquor, arms and gunpowder. Similar encouragement was given to the intercourse with the Griqua, and other tribes upon the western frontier, who manifested a disposition to avail themselves of the fairs held in their neighbourhood.

The first experiments that were made of this intercourse afforded a reasonable expectation of beneficial results, when it should become more extended; but as it was not deemed safe to permit any interchange of commodities with the Caffres, or with a body of Ghonaqua Hottentots who had settled in their territory, except at the public fairs, a prohibitory law was proclaimed in the year 1822, denouncing a penalty of 500 rix-dollars and banishment from the frontier districts for five years for this offence, which not being found effectual, a proclamation was issued in the following year, declaring that the infraction of the law would be liable to the punishment of death or confiscation, as denounced in a proclamation of Governor Van Plettenberg, or to corporal punishment as denounced in a proclamation of the Earl of Macartney. It was suggested at length that the evil consequences of clandestine intercourse with the Caffre tribes might be more effectually prevented by removing the place destined for legitimate traffic within the frontier, and placing it under the eye and immediate direction of the officer in command at Fort Willshire.

A proclamation was issued to this effect, and providing that persons who intended to traffic with the Caffres should obtain licenses and furnish a list of the goods they carried to the fair

for sale; and while the former prohibitions were renewed against the sale of arms, ammunition and spirituous liquors, and the barter of cattle was prohibited, it was declared that the articles to be received from the Caffres should consist of ivory, ox hides, skins of animals, natural curiosities, corn, and of baskets, mats and samboes. The articles which were recommended for exchange with the Caffres consisted of woollen and cotton cloths, trowsers made of colonial leather, knives, and implements of horticulture and agriculture; and an attempt was made to give the Caffres a taste for useful articles by combining them with those for which they have long manifested a predilection, consisting of glass-beads, brass-wire and buttons; and, to a certain extent, the experiment appears to have succeeded. After the feelings of distrust and suspicion with which the Caffres first regarded the invitation to attend the fairs at Fort Willshire had subsided, their numbers and their confidence increased, and considerable profit was made by the holders of articles of barter that happened to be scarce. It is stated that the value of beads, brass-wire and buttons that were disposed of by one mercantile house at Graham's Town, between the months of August and December of the year 1824 amounted to 32,700 rixdollars, for which ivory, gums and hides were received in exchange.

Since this period the Caffres appear to have acquired more knowledge of the value of the articles they purchased, and it seems that their natural quickness and sagacity are sufficient to protect them against imprudent or unequal bargains.

The commercial intercourse with the tribes who inhabit the extensive and sterile tracts that lie between the Buffalo and the Orange rivers, on the north western boundary of the colony, has latterly been limited to the supply of a few manufactured articles by the boors of the Kamiesberg, who receive ivory, skins and ostrich feathers in return. The failure of the attempts to assemble the tribes of Griquas and Corannas at the fairs held at a place within the frontier, near the Hantamberg, is attributed to the prevalence of drought and the dependence of the inhabitants and of their cattle upon occasional showers of rain; and it appears that the restrictions which have been imposed upon the occasional admission of these tribes within the colony, and which the boors had an

interest in opposing, have had a tendency to check the progress of legitimate trade, without preventing the clandestine exchange of articles that were prohibited. The success with which the experiments upon the Eastern frontier had been attended, at length induced the local government to consolidate the various regulations to which we have adverted, and to extend their operation to the whole frontier of the colony. An ordinance to this effect was published on the 11th September 1826, giving authority to the Governor to appoint fairs within the frontier, or in the territory beyond it, and in such places as should be agreed upon, with the different nations that inhabit them.

The attendance and trade at the border fairs were made subject to annual licenses, which were to be granted by the landdrosts and deputy landdrosts of the frontier districts to persons of good character, and to be chargeable with a stamp duty of £6 sterling. The sale of arms, ammunition and spirituous liquors was prohibited, and the goods declared liable to seizure as contraband. Private trade with the native tribes beyond the frontier was permitted to be carried on by the colonists under annual licenses, and the landdrosts and deputy landdrosts were also authorized to grant passports to individuals of those tribes to enter the colony for the same purpose. Under this ordinance, which repealed the former proclamations upon the same subject, the trade in cattle was for the first time permitted.

Without anticipating the observations which we shall have to make upon the question of general intercourse between the colonists and the native tribes, we consider that the system which this ordinance has introduced is not ill calculated for the present state of their mutual relations, and that it will not only lead to a gradual extension of the wants of the various tribes, but encourage them to augment the number of the commodities which they raise themselves, or which they may obtain from the nations that are more remote.

Having adverted in our Report on the Finances of the colony to the restrictions to which the principal market of Cape Town and the provincial markets are also subject, it will not be necessary to enter into any long detail of them. The regulations which prevail as to the time of holding the markets

are generally adapted to their various localities, but the accommodation which in earlier times the reserves of open commons near the towns, afforded to the farmers for the refreshment of their oxen and horses has, in many instances, been superseded by improvident grants of such reserves, as well as by the wants of the fixed population, and though productive of inconvenience to the farmers coming from a distance with their produce for sale, the evil cannot now be remedied.

The restrictions upon the sale of wheat and the trade of bakers we shall notice hereafter, but we wish to add to the explanations already given in a former Report upon those to which the trade in cattle and butcher's meat is still liable ; it is confined both in Cape Town and the provincial towns to persons who obtain licenses, to which a stamp is affixed of 50 rix-dollars, or £3 15s. sterling, either from the burgher senate or the landdrosts and heemraden of the districts ; each license contains an obligation of the principal and of two securities to the amount of 1,500 rix-dollars, to continue the trade for a year, at the expiration of which the license is renewable. The butchers are likewise compelled to give notice of the price at which they intend to sell meat for every ensuing month, and which they are not allowed to raise without special permission and cause shown. When they send their servants into the country to purchase cattle, they are bound to furnish them with written instructions, to the strict observance of which the servant is sworn before the fiscal, also with lists which are to be filled up with the number of cattle and sheep that they may purchase ; the names of the seller and the price and total amount ; and lastly, with blank bonds or notes signed by the butcher, and which are to be filled up by the seller of the cattle, under a penalty of 1,000 rix-dollars for contravention. These bonds are negotiable, and have the privilege of immediate execution, on application to the president of the court of justice. The object of these last regulations was to provide security to the farmers and breeders of cattle who reside in the remote districts in their dealings with the butchers of Cape Town, who also had in view to accomplish the sale of their meat before their bills were presented for payment ; but a change having recently taken

place in the manner of conducting this traffic, cattle are now purchased of the farmers in the country by licensed hawkers and pedlars in exchange for dry goods, and instead of the cattle being driven, as formerly, directly to Cape Town, they are grazed at intermediate places, or on farms situated near the high roads. The cattle driven to Cape Town and other markets by these dealers, some of whom are English settlers, are likely to arrive in better condition, and upon the whole, we are of opinion, that although the price of goods sold by the itinerant merchants, as well as by those who have fixed establishments at the smaller ports on the coast, is enhanced to the farmer, and that of his produce is diminished by the trade of barter, which has succeeded in a great measure to the system of payment by means of privileged and accredited bills, yet he is relieved from the expense and loss of time and of stock occasioned by the journeys he formerly made for the purchase of his supplies.

The effect which the regulations have had in limiting competition in the trade to those alone who are able to find the securities, and in confining the sale of cattle to those who are privileged by their license to kill them, has had a direct tendency to raise the price of meat to the general consumer, and to augment unduly the profits of the trade to the few who enjoyed the privilege, which sufficiently accounts for the privileged butchers being amongst the most opulent individuals of Cape Town.

The establishment of cattle fairs had long ago been suggested as affording facility to the farmers in the disposal, interchange and improvement of their stock; but whether from the preference they had been accustomed to give to private sale and to the privileges which the local law had attached to it, or from habitual aversion to the effect of competition in an open market, they have shown little disposition to resort to the first fairs that were held by authority of the local government at the newly-established village of Somerset and at Graham's Town. They were frequented, however, by the English settlers and the Caffres, and we are induced to think that the experiment should be repeated at both those places, and at the village of Uitenhage on account of its proximity and easy access to Port Elizabeth, and at the village of George when the

communications with it and with the mouth of the Knysna are improved.

The weights and measures in use in the colony are of the Dutch standard of Amsterdam, and are regulated and assized by a standard kept at the town-house, and in the care of the burgher senate.

By a renewed order which was issued by that authority in 1818, the yard, bushel and gallon measures were introduced; but, with the exception of the gallon, they have not been generally adopted, and in Cape Town goods continue to be sold in retail by the ell.

As it is probable that the commercial transactions of the colony will be chiefly carried on with Great Britain, and as it is desirable that in all public and official returns of colonial produce, whether imported or exported, the description and quantity should correspond with those which after revision have been sanctioned by the Imperial Legislature, we recommend that after one year's notice the weights and measures ascertained and appointed in the Act of the 5 Geo. 4, c. 74, should be declared to be applicable to the Cape of Good Hope in all contracts and agreements and to public and official returns; and that where any other of the weights and measures in use are mentioned, the proportion which they bear to the standard weights and measures should be previously published.

In enumerating the articles of colonial produce which are likely to become valuable for exportation to other parts of the world we may mention wine, corn, horses, hides and skins, butter, aloes, salted meat, dried and preserved fruits, ostrich feathers, gums and medicinal herbs, as articles of considerable as well as permanent value; of these the first in importance is the wine, in the production and exportation of which a very considerable increase took place between the years 1812 and 1826.

The attention of the local government appears to have been directed at the end of the year 1811 to the means of effecting some improvement in it; and earnest appeals were made to the colonists to induce them to adopt a better system of cultivation, and to the exporters to make a more cautious selection of their wines both as to age and quality, "the constant support and patronage of Government being also

pledged in favour of any meritorious exertions which might be made to improve the cultivation of the vine, and every encouragement promised to honest industry and adventure."

The office of "wine-taster" was re-established, and certificates of the age, quality and soundness of the wine intended for exportation, for each legger of which he was authorised to charge the sum of two rix-dollars, were required from him to enable the exporter to obtain a permit. Directions for the cultivation of the vine were likewise published, and premiums were offered for the cultivation of the greatest quantity of vines in conformity to them. The reduction of the British duty upon Cape wine in the year 1813 to one-third of that which was charged upon Spanish or Portuguese wines, afforded fresh encouragement to the farmers to extend their vineyards. From the returns of the quantity of vine-stocks planted in each year, we find that the number had increased from eighteen millions and a half in 1811 to twenty millions in 1814, and to twenty-seven millions in 1819; and that the quantity of wine produced in the colony, which in the year 1811 did not much exceed eleven thousand leggers, had increased in 1816 to about fifteen thousand, and in 1823 to twenty-one thousand one hundred and forty-seven. It appears from the return of the wine registered in the wine-taster's office for exportation between the years 1810 and 1824, that in the year 1812 the number of leggers exported amounted to two thousand one hundred and fifty-two; that in 1817 it had increased to nine thousand and seventy-six, and declined in the four following years to four thousand five hundred, after which it again increased to seven thousand nine hundred and sixty-six, the quantity registered in 1824.

The attention of the Cape wine farmers has been forcibly excited to a consideration of the causes of the inferiority of most of the colonial to European wines from the continued decline in the price of the former from the year 1818 to 1823, and by the intention which at one period was announced of withdrawing the protection which had been given to Cape wine in the English market by the Act of the 53rd of the late King. A committee was formed at Cape Town, with the sanction of Governor Lord Charles Somerset, and comprising the persons most interested in the production and export of

Cape wine, and sub-committees were also formed in the principal wine districts, with a view of obtaining practical information respecting the mode of culture adopted by the South African farmers, and of pointing out to them any improvement which either the experience or the information of the committee might enable them to afford.

By a regulation which was abolished as unnecessary on the appointment of the wine-taster, but which was revived in the year 1815, on a representation by the merchants of its expediency, the inland carriage of wine into Cape Town and Simon's Town was restricted to an interval, commencing the last day of August and ending the 1st of February in each year, which has sometimes been prolonged on account of the lateness of the seasons. The object of this regulation is to prevent as much as possible the mixture of new wine with old, and to prohibit the sale of any wine that is not five months old, the usual period of the vintage being in the months of February and March. Want of room in the wine stores, and of fustage, and the necessity of obtaining supplies for their families, compel many of the poorer class of farmers to transport their new made wines to Cape Town before the insensible fermentation has subsided. The wealthier farmers who possess more capacious stores, appear to be fully sensible of the importance of prolonging the process of fermentation, which is indispensable to the production of good wine in any country.

A general belief has long prevailed amongst the wine farmers, and is partaken by others, that the injudicious treatment of their wines by the exporting merchants at the Cape and the importing merchants of London, together with the mixture of wines of an inappropriate character, has tended to depreciate the general reputation of Cape wine in the English market, under which denominations the wines of inferior quality only were disposed of.

From the Return furnished from the wine-taster's office, in which the quantity and description exported from the year 1820 to 1825 inclusive is exhibited, it would appear that until the year 1825, with the exception of the wines of Constantia and Pontac, little distinction was observed in the qualities of the wine prepared for exportation, and that the Steen wine and Hock, which are considered wines of superior quality, and

in higher estimation amongst the colonial consumers, have formed a very inconsiderable portion of it. To enable the wines of ordinary quality to bear the effect of a sea voyage, and to give body to them, a considerable quantity of French brandy is used, and for the importation of which, heavy payments have been required, amounting to not less than 1,350,000 rixdollars in a period of seven years, ending in 1826. The bad flavour of the spirit which has hitherto been obtained in the colony by distillation from the husks and stalks of the grape renders it unfit for admixture with wine, and the early attention of the wine farmers to an improved system of distillation was recommended by an intelligent member of the central committee, and circulated with its sanction.

The mode in which the Cape wine was prepared for export had not become the subject of investigation by the central committee at the period of our departure from the colony, but the result of an experiment that was made by a few individuals in the years 1826 and 1827, for the purpose of ascertaining the relative value in the London market of Cape wines of different growth, sufficiently proves, by the price that was obtained for the wines of good quality, the importance of attending to those distinctions, both in the cultivation of the vineyards and in the subsequent preparation of the wine for shipment. The exportation of Cape wine that was not eighteen months old at least was prohibited by the regulations issued on the appointment of the wine-taster, who had also the power of condemning bad casks, and of seizing and securing those which, being intended for the exportation of Cape wine, were suspected by him to contain any admixture of foreign wine.

We do not find that the exercise of these invidious powers has prevented the exportation of wine of the worst description from the Cape, while it led to an increase of inland duty, and to an interference with mercantile concerns, which could only be justified by the perception of a positive advantage. The functions of the wine-taster, together with the fees imposed in this and the gauging-office, ceased on the 4th July 1826.

Notwithstanding the great decline of price which the wine experienced in the English market previous to the year 1822, the quantity registered for export in the two following years does not appear to have been much diminished, but it is to be

inferred that much of the abundant vintage of the year 1823 remained in the hands of the merchants.

From the Return of produce sold at the market in each year, from the year 1813 to 1824, it would appear that the highest annual average price of ordinary wine amounted to 185 rix-dollars, or £13 7s. 6d. per legger of 152 gallons, and the lowest to 45 rix-dollars, or £3 7s. 6d., while the corresponding price of fine wine has amounted to 300 rix-dollars, or £22 10s., and to 250 rix-dollars, or £15 per legger. In the years 1825 and 1826 the average price of ordinary wine fell as low as 43 rix-dollars, or £3 4s. 6d. per legger.

It has been generally stated and admitted by the wine farmers that they are remunerated for the cost of production when they receive the sum of 100 rix-dollars, or 7l. 10s. for a legger of wine; it would therefore appear that the production of the ordinary wine has been attended with profit to the wine farmer in five only out of the twelve years comprised in the abstract of the market return, and in the other seven years, to which we may also add those of 1825 and 1826, it has been attended with heavy loss.

The quality of the ordinary wine is such as to confine its consumption to the lowest orders of the population; and we accordingly find that a demand for it has arisen at Rio de Janeiro, where it is consumed by the slaves from being cheaper than the wines of Portugal.

To whatever market this inferior wine is sent its chief recommendation will be its cheapness, and this object will in some degree be facilitated by the late repeal of the colonial duties of 3, and 1 rix-dollar formerly paid to the wine-taster and gauger, and materially so by the repeal that we have proposed in our report on the colonial finances of the tithe and opgaaf, amounting altogether to 7 rix-dollars 4 skillings and 4 stivers, or 11s. 3d. on each legger. The only colonial imposts that will then remain will consist of the charges for the toll, the use of the market, the wharf tax, and the wine export license, the whole amount of which may be taken at 3 rix-dollars 5 skillings and 3 stivers, or 5s. 6d. per legger, and the tax of 1 rix-dollar, or 1s. 6d. per gallon upon French brandy, which (as we have before observed) enters largely into the composition of the inferior kinds of Cape wine.

The cost of the internal transport of wine at the Cape is very considerable, and is augmented by heavy losses of draught cattle, which are subsisted with difficulty upon the estates of the wine farmers. An improvement lately introduced in the construction of the waggons has tended in some degree to lessen this expense, but under the present reduced circumstances of the farmers, and the declining market for their wines, they would be most effectually relieved by an improvement in the principal road of communication from the wine districts to Cape Town. We do not conceive that any further reduction can be made in the colonial imposts which affect the price of Cape wine, except in that upon staves and iron hoops before recommended. The duty upon foreign brandy imported was imposed with the object of improving the colonial spirit. We think a reasonable expectation may be entertained of some improvement being made on the spirit generally known by the name of "Cape brandy," and with this impression we should feel reluctant to withdraw any encouragement to it, which the repeal of the duty may check, or to propose any increased facility to the injudicious mixture of brandy in the preparation of Cape wine for the English market.

Although we perceived that considerable anxiety was evinced by the wine farmers, as well as several of the mercantile part of the community, to acquire a knowledge of the existing defects in the cultivation of the vines, and of the means that might be recommended for their correction; and although the attention that has been excited by the formation and proceedings of the committees may tend to diffuse a desire for future improvement, yet we believe that there are very few of either class whose circumstances or leisure will permit them to make extensive practical application of the principles that have been recommended, or fairly to try their merits by the sacrifice of time, capital, or labour. Some experiments were tried on the recommendation of the Wine Trade Committee in the manufacture of wine in a few vineyards near Cape Town, but the results were not very important or satisfactory.

The approach of that period which has been fixed by the Act of the 6 Geo. 4, c. 104, for the increase of the present

duty on Cape wine from 2*s.* 5*d.* to 3*s.* per gallon will no doubt operate as a stimulus to the improvement of its quality, for it is asserted that unless such an amelioration takes place, the difference between the future duty and that which is now imposed upon European wines, (with exception of those of France,) and amounting to 1*s.* 10*d.* per gallon, will not be sufficient to enable the growers of ordinary wine at the Cape to maintain a competition with them; the improvements of which it is susceptible cannot be expected to be undertaken by the class of smaller wine farmers, by whom the cost of transport in the colony even is most seriously felt, and who are dependent for it upon their wealthier neighbours. Some relief will be afforded by relaxing the regulations which have restricted them from retailing their wines without license, and an increasing quantity of inferior wines may be disposed of in colonial markets; on which resources the producers of such wines must ultimately depend.

In looking to the future means which the wine farmers may reasonably expect for the disposal of their wines, we think that if an intercourse should be opened between the Cape of Good Hope and the United States, and the British Colonies of North America, the cheapness of the Cape wine might give it a preference in those markets over the wines of Spain and Portugal. From the past experience of that of India, little expectation can be indulged of any demand arising in that quarter. In South America and the Brazils any future demand will be limited to the consumption of the lowest classes of the population, and it is not probable that even the Cape wine of better quality will supersede the habitual preference which the wines of Spain and Portugal have obtained there, and some of which are sold at lower prices even than the wines of the Cape. The internal consumption of the Cape will certainly not take off the large surplus that will thus be thrown upon the hands of the cultivators; and although His Majesty's Government may not be induced from this consideration to revert to the system under which the production of Cape wine and its importation into the English market has been encouraged, yet before the period arrives in which the final adjustment of the duty is to take place, we would represent the great difference in the expence of carriage

and transport of Cape wines, and those of Spain, Sicily and Portugal, and the time that may be necessary to admit of a reduction of those expenses by improving the roads, and the means of carriage, and by introducing a more economical system of farming than by the labour of slaves. We would also recommend the expediency of allowing the importation of spirits, certified to be the produce of the colony, into Great Britain, and likewise into the British colonies of North America, upon payment of the same duty as that which is imposed upon spirits imported from the West Indies.

The cultivation of wheat at the Cape is impeded by the want of moisture that is frequently experienced during the season in which the land is under preparation for seed, and also by the effect of blight or rust, which during the last seven years has in a greater or less degree visited the crops in every district of the colony.

The tracts in which the soil is most favourable for the production of wheat consist of those which are fortunately visited by the most copious rains, and in which artificial irrigation is least practicable. These tracts also possess the advantage of being contiguous to the market of Cape Town, from which the grain of the other districts, although more favoured by climate, is nearly excluded, on account of the distance, difficulty and expense of transporting it. With these deductions, the soil of the Cape cannot be said to be generally unfavourable to the production of wheat; for the quality of this grain is good and heavy, and the flour produced from it is of great fineness when properly prepared, and when the grain has been carefully sifted from the earth and dust, which mix with it in the process of treading, which is universally practised and preferred to that of threshing, on account of its cheapness, and the saving of manual labour and building, which it occasions.

It does not appear that the same degree of culture which is considered necessary in less genial climates is practised at the Cape, and although the introduction of improved ploughs some years ago by an English agriculturist selected by the British Government for this purpose has given a facility to the operation of ploughing at periods in which, from the continuance of drought and hardness of the soil, the more

ancient and heavy implements are useless, yet it must be admitted, that the period for preparing land for seed is a short one, requiring all the means and strength which the farmer is able to employ. When we add, that the collection of manure is little practised, that the cattle on a corn farm are generally grazed at a distance, no artificial food being produced, and no shelter being afforded them from weather, it is not surprising that the productive powers of the soil are enfeebled, and that they require the long period which is stated by some experienced witnesses to be allowed for their renovation.

We find that the average rate of produce of wheat during 10 years ending in 1823, did not amount to 10 per cent, and in the district of Koeberg, where the soil is considered to be most favourable to the growth of wheat, it does not exceed 12 bushels to an acre. The produce of barley and oats is much more considerable, although neither are equal in strength to the grains of Europe.

From the abstract that has been prepared of the quantity of grain sown and reaped in each year from 1806 to 1826, it does not appear that the cultivation of wheat has been much extended. We will advert to those circumstances which appear to have had a direct influence upon this cultivation, and which may tend to afford an explanation of the small increase which has taken place in it during a period of 20 years, commencing in 1806. We will state, in the first place, that the exportation of corn, although admitted to be essential to the prosperity of the inhabitants of the colony and adapted to its natural resources, has been limited by the powers exercised by the governors in granting or withholding licenses, and which depended upon the view they might entertain of the sufficiency of the supply; and it was declared in the year 1818, that such licenses should never be available at the Custom-house (except for the export of wheat to St. Helena) when the market price should exceed the sum of 130 rix-dollars per load of 10 muids, or something more than £2 8s. 9d. per quarter.

There does not appear to have been any importation of wheat or flour previous to the year 1819, and when effected in foreign vessels, or the produce of foreign countries or of the

East Indies, it was subject, in common with other goods, to a duty of 10 per cent. From the last-mentioned period, and especially in the years 1821 and 1822, the quantity of wheat imported was considerable in consequence of the failure of the crops from blight and drought, and of the reduction of the duty from ten to three per cent, with a deduction of one fifth from the value of the Indian wheat on account of its inferior quality. Permission was also given at the same time to introduce English and foreign wheat for bonding, and to dispose of it subject to the reduced duty, whenever the average market price of wheat (to be ascertained by the burgher senate) should be at or above the price of 160 rix-dollars per load, or sixty shillings per quarter, that price having been then considered to afford ample remuneration to the growers of wheat in the colony.

In the years 1822, 1823, 1824 and 1825, and in the early part of 1826, exportations of wheat took place notwithstanding the effects of blight with which the crops had been affected in many parts of the colony. With a view to obviate the inconvenience arising from the alternations of scarcity and abundance in the supply of grain, to keep down monopolies and to afford encouragement to the farmers, a grain fund had been established under the Dutch and was continued by the British Government, the direction of which was placed in the hands of a committee appointed by the Government, and was afterwards transferred, together with a balance in its favour in the year 1819, to the burgher senate. With these means, aided by advances from the local government and the produce of a tax of one rix-dollar which they were permitted to impose upon every muid of wheat consumed by the privileged bakers in Cape Town, the burgher senate at the commencement of every harvest was enabled to make purchases of wheat from the farmers at the prices at which they had tendered it, or regulated those which they made in the market by the information which they received of the state of the crops. The use of capacious and convenient stores for grain, in an eligible part of the town, enabled them to keep a quantity sufficient to prevent any great augmentation of price; and we find, that resort was made by them in 1820 to another capacious store for grain established by the Dutch Government in

Mossel Bay, whence a considerable quantity of the produce of the districts of George and Uitenhage was shipped to Cape Town, and at other periods they have made purchases of wheat from Bengal, and of American flour, of which the licensed bakers were at first compelled to take such quantities as the burgher senate chose to dispose of, at prices fixed by themselves and which were calculated to cover the prime cost and charges. This system was latterly relinquished, and the wheat and flour have been sold at public auction. The effects of this system are not however confined to the sale of wheat and flour alone, but extend to it in its manufactured state. By virtue of a proclamation of Governor Lord Charles Somerset, of the 6th December 1822, the privilege of carrying on the trade of a baker in Cape Town was declared to appertain to any person who was a burgher of the colony, upon taking out a license renewable annually and subject to a stamp of fifty rix-dollars and fees in the secretary's and fiscal's offices amounting to eight rix-dollars more, and likewise to the condition of giving their bonds, with two securities to the amount of 1,500 rix-dollars to the burgher senate, for the due observance of their orders and regulations; and in return for these restraints, the licenced bakers are protected in their privilege of selling bread or flour made of Cape wheat in less quantities than 200 lbs. by a penalty of 500 rix-dollars, or £37 10s.; but it was made known at the same time, that no debts due to bakers for bread and flour would be recoverable in any of the courts of the colony after the lapse of two months from the delivery of them. By another clause of the proclamation, the bakers were bound to conform to such regulations as the burgher senate had issued or might issue respecting the colonial granary, one of which was the payment of one rix-dollar for every muid of wheat or flour consumed by them.

Similar regulations prevailed in the country districts; and we think that the general effect has been that of checking the exertions of the agricultural population, and confining the ordinary extent of them to the domestic supply of the farmer or that of his immediate neighbourhood, while the regulations of the burgher senate, and the system upon which their purchases of wheat have been conducted, have not succeeded in preventing the fluctuations in price; although we believe

that in some instances relief has been afforded at the commencement of harvest in the disposal of produce, which otherwise would have remained on hand. It was not indeed to have been expected that a municipal body, possessing neither commercial agents abroad nor the means of local information that are necessary to anticipate in due time the consequences of an insufficient supply, could provide against their recurrence; and while their interference has proved ineffectual in affording that protection, it has checked the enterprise of the merchants. It was under this impression which subsequent information has tended to confirm, that we ventured to recommend at an earlier period that entire freedom should be conceded to the trade in corn, and that it should be equally exempt from the interference of Government or the competition of any municipal or privileged body. The returns from the Custom-house will at all times enable the local government to obtain correct information of the state of the corn-trade, and the contiguity of the ports of Madagascar and Rio-de-Janeiro will afford opportunities to the merchants to make timely provision against the pressure of a sudden deficiency by the importation of flour and rice.

While we are of opinion that the ordinary effects of commercial enterprise and competition will afford a sufficient protection to the colony against monopoly and scarcity, we do not think that it will be requisite to provide any to the agriculturists by imposing a duty upon the importation of foreign corn. From the best information we have been able to collect, it appears, that the expense attending the importation of wheat from every quarter of the globe would raise the price beyond that which is admitted to give a fair remuneration to the colonial grower, and which may be taken to be 120 rix-dollars or nine pounds sterling per load, or to something more than forty-five shillings per quarter.

The next article of importance amongst the products of the Cape is one which has only recently been made available as an export, although it was long ago noticed as one which was adapted to the great extent of pasturage in the eastern and northern districts of the colony, and also to the habits of the people, which for a long period have been rather pastoral than agricultural. Notwithstanding the various diseases to which

cattle are liable from the effects of noxious herbage at certain seasons, the difficulty of obtaining water for them in the summer season, and the depredations of wild animals and of the border tribes, their number has more than trebled from the year 1806 to 1824. Of these the greater part consist of a mixed breed of the native African cattle, and those of Dutch Friesland, and in later periods of the improved Devonshire and Durham breeds, imported for the Government Farm at Groote Post.

The districts in which the best cattle are bred and reared are those of Somerset, Albany and Graaff-Reinet; and as permission is now given for the exchange of cattle with the Caffre tribes, and a more extensive intercourse may be expected to take place with the "Bastaard Hottentots," who feed large herds of cattle upon the north western frontier of the colony, the supply of cattle will be much increased. During the interruption to which the cattle trade of South America has been subject the demand for hides and horns has added to the profits of the butchers and slaughterers of cattle at the Cape, but has not yet perceptibly improved the situation of the breeders. An establishment has at length been effected at Port Elizabeth, on the eastern coast, which affords a fair prospect of success in the curing and export of beef. The process of curing can be conducted in the winter* months only, and as the cattle are then in good condition, and have no long journey to perform, we think that an extensive export may be expected to take place for the supply of the island of Mauritius, for that of vessels touching on their way from India, and eventually for the West India Islands. The rearing and fattening of pigs has never made a part of the occupations or profits of the Cape Dutch, in consequence of the abundance of sheep and cattle which their extensive farms supplied. Since the introduction of the English settlers, whose farms were of less extent, and by whom some efforts were made to raise fences, and small enclosures, the breeding of pigs has been attempted in Albany, and pork of an excellent quality and flavour has been cured there. The local government has also been forward in giving its assistance, by introducing and distributing pigs of the best breed procured from England.

* From the beginning of May to the end of August.

The climate of the Cape is generally favourable to the breeding of sheep, and the facilities which have been afforded to the occupation of extensive tracts of land in the frontier districts, and the easy terms upon which the Cape Dutch farmers have been able to obtain the services of the Hottentots and Bushmen as shepherds, have contributed to augment the numbers, although their increase has not been equal to that of the horned cattle. The number of sheep returned to the "Opgaaf" in 1824 amounted to 2,192,302.

The breed is distinguished by an accumulation of fat in the tail, which is found very useful for domestic purposes. The animal is capable of bearing the vicissitudes of climate; but is not well adapted, from the long and slender form of its legs, for sea stock. The fleece has a nearer resemblance to hair than wool, and is used as covering by the Hottentots and Bushmen. Sheep of the Spanish breed have been introduced into the colony, and were strongly recommended to the attention of the farmers by the Dutch Government. At more recent periods flocks of the pure and mixed breed have been preserved at the Government farm at Groote Post, and have been occasionally sold to the farmers at moderate prices; a few were also imported by some of the English settlers into the district of Albany. Their numbers were returned in 1824 at 20,241, and although from the trials that have been made, it is fair to presume that the climate of the Cape is not unfavourable to the growth of fine wool, yet from the nature of the pasturage and the number of thorny shrubs with which it is everywhere intermixed, some loss of the fleece is inevitable, and from the want of running streams a difficulty is experienced in washing and clearing it of sand and dust before shearing. The great increase which has taken place in the sheep of the Cape breed affords a proof of the congeniality of the climate; and the very limited success that has attended the introduction of the Spanish breed, the wool of which is approved, indicates some defect in the treatment of them, which experience will be required to remedy.

The improvement that has been effected in the breed of horses by the frequent importation of good stallions from England has not only increased the foreign demand for them, but has excited a greater degree of attention and care than the

Cape farmers are generally disposed to bestow upon their live stock. The general want of enclosures, and the indiscriminate admixture of horses of various breeds and ages in the open pastures, and the necessity which exists everywhere of giving protection to young horses against the attacks of wolves and wild animals, and of confining them frequently to stables, are circumstances which are unfavourable to the development of their early strength, as well as to their appearance.

The Cape breed of horses is derived from the breeds of South America and Java, and is now mixed with the breed of Persia. From these have been bred a race in which want of bone and muscular strength are the principal defects; but possessing, at the same time, hardy and vigorous constitutions, and capacity to undergo fatigue upon slight food. The recent introduction of some very highly bred English horses has greatly improved their figure and action; and the establishment of races in several of the villages, and the increased demand that has arisen in the island of Mauritius, have very materially augmented the profits of the principal breeders of horses, and added to the value of the colonial exports.

Oxen are everywhere preferred for draught, except in the immediate neighbourhood of Cape Town; but it has been stated by an experienced agriculturist, that in the use of the plough he has found that horses, when well fed, are very superior to them.

Mules are bred at the Cape; but they are neither numerous nor strong, and are rarely used for transporting goods and heavy weights over the steep and rocky eminences, which are so destructive to the oxen. The number of mules imported at Mauritius from France, and the prices paid for them, attest the advantages that the Cape might derive from an improved breed of mules for exportation.

The natural resources upon which the inhabitants of the colony have to rely for the support of the stock we have mentioned, consist of the wild pasturage extending over tracts of country by no means fertile; and in the progress of the population, and the subdivision of farms, some diminution of these resources may be expected.

There are few places in the colony calculated for the production of artificial grasses, although with good management,

and a command of water, they are found to resist and survive the long droughts which are common at the Cape. The natural grasses abound with deleterious and astringent herbs, the taint of which is perceivable in the breath and milk of the cows, and at certain seasons of the year are destructive to the cattle. Change of pasturage is found to be the only remedy for the numerous diseases with which they are affected, and which are rendered more frequent and destructive by want of care and protection from cold and wet weather.

The north-eastern parts of the colony have been subject to the visitation of locusts, which are equally destructive to artificial as to natural pasturage; but even the recurrence of these checks upon the natural resources of the colony has not perceptibly affected the general increase of grazing stock, which constitutes the chief source of wealth to the inhabitants of the districts.

The expense and difficulty which attend the cutting and transport of the best species of wood from the place of its growth in the forests near the River Knysna and Plettenberg's Bay, will materially obstruct its value as an export. The two species which are found to be the most calculated for domestic use and construction, are those which are known by the names of the yellow wood, and the stink wood, or African oak. The former, which is the most common, does not bear exposure to the weather, but is in general use for flooring; and the latter is found to be well adapted to building and naval purposes. The other woods found in the colony are generally of close and firm texture, and are well calculated for the construction of wheels and waggons, and for other purposes.

With a view to protect the forests from indiscriminate and careless cutting, a proclamation was issued by Governor Sir John Cradock, in the year 1812, prohibiting the entry of the forests without a permit containing the numbers and the names of the persons employed, and the felling of timber without leave of the overseer; also declaring that persons of any description who should be found in the woods without a license would be liable to apprehension and confinement on bread and water for six days.

The principal forests are situated in the districts of George and Uitenhage. The farmers who live in the vicinity of the

forests enter into contracts for the supply of timber, and generally employ the Hottentots, or other classes of the coloured inhabitants, to furnish it. From the difficulty of dragging the heavy timber out of the ravines, in which the largest trees are found, some waste not unfrequently takes place, which the presence of an overseer is no longer afforded to check. We think that the licenses which are renewable at the expiration of one month may, in the absence of such authority, prevent indiscriminate access to the woods; but it is known that the regulation has been evaded. The Hottentots of the Missionary institutions frequently engage in contracts for the supply of wood, and the high price that it bears in the colony (equal according to one statement to that of timber imported from the Baltic) would suggest the expediency of removing every unnecessary restraint upon the labour of those who are willing to engage in this useful branch of industry, and which was applied to the Hottentots in a greater and more inconvenient degree than to the other inhabitants.

The cultivation of tobacco has been attempted in different parts of the colony, and has succeeded; but the quantity produced has rarely exceeded the domestic demand of the individuals who have tried it, and it will probably not be attempted upon a larger scale until the supply of labour has increased.

The fruits which are produced in the colony consist of the best, and the most delicate of those kinds which are known in Europe. The trees bear abundantly, and where they are placed in favourable situations, and well selected, the flavour of the fruit is excellent, although much is lost from the manner in which the fruit is dried and preserved, the want of sugar having induced the farmers in some cases to preserve it with salt. From the success which has attended the exportation of fruit imperfectly prepared, we are disposed to think that, with greater attention and the employment of more ample means, it may be exported with advantage to the eastern markets. The olive tree is scarce, and its value little known or appreciated. The mulberry tree thrives, and yields abundantly; and the attention of the colonists having been recently directed to the introduction of silkworms, it is probable that, with proper protection from the violence of the winds, the production of silk may become general.

The other articles of produce which are in demand for exportation consist of aloes, gums, ivory, ostrich feathers, hides, skins and medicinal herbs, the duties upon which, in compliance with the suggestions of the Cape trade committee in London, have experienced a reduction by the Act of the 6 Geo. 4, c. 111, which cannot fail to be beneficial.

We are not aware of any other articles of produce which are calculated for exportation or for the supply of the domestic wants of the inhabitants ; but from the experience which later years have afforded, we conceive that just expectations may be entertained that the trade of the Cape in the articles we have enumerated will not decline, and that the amount and value of its exports will furnish a full equivalent for the importation of manufactured goods. By the comparative Statement in the Appendix, drawn from the Custom-house returns of goods imported and exported between the years 1816 and 1824, it appears that the excess of imports amounted to fifteen millions fifty-two thousand nine hundred and forty-eight rix-dollars, and that the bills drawn by the Commissariat Department in the same period amounted to fourteen millions two hundred and forty-eight thousand one hundred and fifty-three rix-dollars, leaving a deficiency of only eight hundred and four thousand seven hundred and ninety-five rix-dollars, which would be met by the private bills, including those drawn for the expenditure of the Indian residents and of the Missionary societies.

The system of accommodation, to which we had occasion to advert in a former Report, and the encouragement that was afforded to the wine trade, had tended to give a temporary impulse to that branch of industry and to swell the amount of imports ; and although the fall in the price of Cape wine in the London market, and the recurrence of the calamity of blight in the corn, has greatly affected the profits of agricultural industry at the Cape, and produced a corresponding effect upon the colonial trade, yet we see no reason to believe that a commercial debt of any extent between Great Britain and the colony has been the consequence of the large importations that we have noticed ; on the contrary, we are disposed to think that although the system of accommodation was in many instances carried too far, and that consequent loss has

been sustained by individuals within the colony, more especially by those who became securities for advances either from public bodies or from the capitalists, yet we cannot infer, from the experience which the state of the commercial transactions of the Cape afforded in the period before mentioned, any ground of apprehension for the future. The reduction in 1825 of the duties in British ports upon several articles of Cape produce has tended materially to augment the exportation of them, and has given at the same time a stimulus to the industry of the lower classes of the inhabitants; and while we express our earnest hope that the same liberality may be extended to other articles of production, on account of the remoteness of the colony from those markets in which a demand for them exists, we beg leave to repeat our recommendation that the Cape should be allowed to enjoy all the advantages which her intermedial position may enable her to offer to foreign trade.

Having endeavoured to explain the various regulations by which the foreign and domestic trade of the Cape is governed, and having suggested such alterations in them as we think will be found conducive to the general interests of the inhabitants, we proceed to the examination of a subject which, independent of the claim upon our attention which it possesses from having been specially recommended, ranks among the first and perhaps the indispensable objects by which any permanent improvement is to be effected in the commerce of the Cape of Good Hope. It is hardly necessary to observe that the security of a good harbour, in which vessels of all sizes can be protected from the violence of the south-east and north-west gales, and in which the damage so frequently incurred in doubling the Cape can be repaired, and the embarkation and landing of goods can be easily and safely conducted at all times and seasons, is of the first importance to a station which is to become a place of refreshment, or of deposit of goods intended for ulterior destination, and not for consumption on the spot.

For these purposes, the possession of one safe and capacious harbour would be more valuable than several small ones, however important the latter may be in affording protection to ships in distress, and in the encouragement which they would give to the coasting trade. The different harbours and roadsteads of the Cape have been already described with so much accuracy

by an author who possessed the best means of information, that we do not think it necessary to do more than refer to the details with which his work abounds. Since the period of its publication a survey and report have been made by Captain Moresby, of His Majesty's ship *Menai*, of Algoa Bay (now Port Elizabeth), and the mouth of the Zwartkops River that flows into it, as well as of the entrances of the Bosjesman's, the Karega, the Kowie, the Great Fish, and the Keiskamma rivers on the eastern coast.

A survey was executed in the year 1826 by Captain Owen, of His Majesty's ship *Leven*, of Table Bay; and an examination and report were made in 1823 by Captain Rous, of Hout's Bay, situated on the western coast between Table and False Bay. The capacity and security of Saldanha Bay are well known, and are fully and correctly described in the work to which we have alluded, as well as the character of the surrounding country, and the want of water which prevails in it. It is to be regretted that no pains have since been taken to ascertain the practicability or the expense attending the conveyance of water to the shores of the bay from the Berg River, or even to improve the immediate sources of supply which present themselves in the neighbourhood. That which is obtained by sinking wells on the sea-shore is brackish but easily procured, and a weak spring of pure water has been found by boring through a granite rock. We have reason to conclude that the want of water at Saldanha Bay might be remedied by economizing the natural and by improving the artificial supply; but even with these advantages, the situation of the bay is not so convenient for the resort of merchant vessels on their voyage from India to Europe as those of Algoa Bay, False Bay and Table Bay, and the communication by land from the latter, as well as from the country that is most productive in corn, is impeded by a long succession of heavy sand hills.

In another Report we had occasion to explain our reasons for not recommending any addition to the establishment that has been found necessary for the control of the crews of whaling vessels, and others frequenting Saldanha Bay, and we conceive that the magisterial authority, which we also recommended to be exercised by the resident, will ensure protection

to the inhabitants, and perhaps prove an inducement to the formation of a fishing village, for which purpose the shores of the bay are in some respects well calculated.

TABLE BAY, which is the principal resort of ships touching at the Cape for purposes of trade or refreshment is an open roadstead, but containing good anchorage on the south eastern side, and abreast of the Chavonne and Amsterdam batteries in a depth of four to seven fathoms. It is much exposed to the north-west winds which blow with great violence from the month of May to September, and it has no protection against the south-eastern gales, which prevail in the summer season, and blow with such force from the land as to drive vessels from their anchorage and to prevent communication with the shore.

It is generally believed, and upon good grounds, that much of the loss and damage that have occurred to vessels in this bay have arisen from want of timely precaution, or of sufficient equipment; and it is perhaps to the acknowledged necessity of having recourse to them, and to the fatal consequences of their neglect, that so much apprehension has prevailed amongst the owners of vessels, and so much prejudice amongst the commanders, against resorting to or remaining in the anchorage.

No complaint is made of want of activity in the boatmen, who assist in loading or unloading, but the operation is frequently suspended by the violence of the south-east winds, which blow at the season of the year in which vessels chiefly resort to the Cape for purposes of trade.

It appears from the records of the Dutch government that these disadvantages had at an early period attracted the notice of the directors of the Dutch East India Company, and that the Governor of the Cape proceeded in the year 1745 to execute their instructions for constructing a mole for reception of shipping within a projecting point of the western shore of Table Bay, to which the inhabitants of Cape Town contributed by the labour of their slaves, and those of the districts with their funds. After very inconsiderable progress had been made in the work, it was discontinued, but for what reason we have not been able to ascertain. Although the project has not since been resumed, yet the frequent recurrence of disasters to the shipping in Table Bay has impressed all persons who

have visited it with the advantage which the commerce of the colony could not fail to derive from its being made secure.

Different plans for the accomplishment of this object have been suggested by very competent persons, and transmitted for the consideration of his Majesty's Government; and as the preference to which the several plans of a breakwater, or of a mole and basin, or that of mooring chains may be entitled, involves questions which are entirely professional, we shall abstain from offering an opinion upon that point; we may, however, be permitted to remark, that the plan of a mole and basin appears to us to offer the greatest degree of commercial advantage, as it embraces that of facility in the landing and embarkation of goods, security to vessels, and the means of repairing them, which the present state of the anchorage of Table Bay does not admit of, and protection against the attempts of an enemy in time of war. The expense attending the construction of a mole or breakwater would exceed any means which the colony can afford to defray out of its own funds; and we do not think that the present tonnage duty of 4½*l.* per ton will admit of augmentation; but it has been suggested, that a great portion of the labour might be performed by convicts, the supply of whose subsistence would afford, in common with other useful public works, a very important relief to the colonists; and we think, that adequate accommodation might be found for a number of convict labourers, not exceeding 300 men, within the precincts of two batteries, which are contiguous to the place that has been recommended for the construction of the mole, and in which their separation from the population of the town might be effectually secured without detriment to their health.

The decayed state of the present wharf or landing-place has already been represented by the local government, and it is therefore hardly necessary for us to dwell upon the importance to the trade, as well as to the revenue of the colony from the proposed structure of a mole, combining the means of landing and embarking goods directly from the shipping moored in safety.

Considering the great expense that has been incurred in the continual and ineffectual repair of the present wooden pier, we should really join in the recommendation which has been

made in favour of constructing a new one of stone, which is easily procured, and of a durable quality, from the adjoining hills, if the construction of a mole were not calculated to provide for the convenience of the port in this respect, as well as for security of shipping.

As the finances of the colony are at present quite unequal to provide the funds necessary for this undertaking, we trust that a work of such general utility to commerce, and in time of war, to His Majesty's ships, may be found deserving of encouragement in England.

From the professional opinions that have been given of the advantageous situation of the present lighthouse, we are led to conclude that it affords a good direction to vessels approaching or entering Table Bay in the night time.

As vessels frequently approach Table Bay after encountering severe gales of wind, and are in want of assistance ; and as in calm weather they are liable to be drifted by the strong current that sets into the bay upon the rocky shore by which it is approached from the westward, it is of importance that the communications and signals they make should be well understood, and repeated from the principal signal-post on the mountain called the "Lion's Rump," to the office of the port-captain in Cape Town. A signal-post or a semaphore erected at Robben Island, and communicating with that which we have just described, would also greatly tend to hasten the communication of the wants and condition of vessels, when they are prevented by strong south-east winds from reaching the anchorage in Table Bay.

The establishment of a pilotage in an advantageous position on the western shore of this bay, has been suggested as conducive to the security of vessels on their entrance to it ; but we conceive that the dangers against which vessels require the greatest degree of precaution, consist much more of those to which they are exposed when lying in the anchorage, than either in the entrance or departure from it ; and we apprehend that if they were compelled to take pilots, and were to become chargeable for the expense in the shape of an additional duty, the trade to this bay, or at least the resort of vessels for water and refreshments might be seriously affected. We are however of opinion that an efficient establishment in the port-captain's

office will enable him to give assistance to vessels on their entrance to Table Bay. A depot of anchors and cables for the supply of vessels has been established at Cape Town, under the direction of the port-captain, who, in conjunction with another individual, possesses an interest in it, and which we think will prove beneficial to the public and to themselves; and in the event of the wharf being removed to another situation, it will be expedient that the office of the port-captain should also be removed to its immediate vicinity, or to a situation in the bay that is more convenient for embarkation in stormy weather than that of the present wharf. We also recommend that the port-office should be furnished with a good barometer, and with the means of communicating by signal to the post on the Lion's Hill, to which we have before alluded. The right of searching for and taking up anchors left by vessels in Table Bay, which appears to have been attached to the office of the port-captain, was suspended by an order of Sir David Baird in 1806, and revived in 1812, when it was understood that the roadstead was cleared of anchors. This right has been and is now exercised by the port-captain, who is entitled to receive one third of the value of anchors left without buoys, and not claimed within a certain period, and one-eighth if left with buoys; and the importance of keeping the ground clear of anchors is so obvious, that we think that the exercise of the right by the port-captain, subject to the exceptions we have mentioned, should be continued. Although we think that the profits which this officer may derive from the supply of anchors and cables to ships in distress, as well as from the right of salvage, which we have just described, will operate as an incentive to an active performance of very important duties, we do not think that they should be extended as they were at a former period in this bay, and at a late one in Simon's Bay, to the supply of water to the ships in boats belonging to the port-captain or his deputy. From the early access to ships which these officers possess, they are enabled to secure a preference in the employment of their boats, which interferes with that of the regular boatmen, where the masters of vessels think proper to employ them. The demands of these individuals for landing and embarking passengers are much complained of; and from the difficulty that occurs in

applying any regular rate of charge to exertions which are required only in one season of the year, and which are constantly liable to variation and risk from the changes of wind and weather, they have not been hitherto subject to regulation; but we think that it will be found expedient to give authority to the port-captain to modify any charge made by a licensed boatman, upon complaint preferred to him of its being excessive or exorbitant.

The anchorage of Simon's Bay is protected from the north-west, but not wholly so from the effect of the south-east winds, which in the summer season blow with great violence, and cause a heavy swell on the shores of False Bay, of which Simon's Bay forms a small indentation. Large vessels may anchor in this bay with security, but not in great numbers; and they may also be heaved down and repaired, an operation which cannot be performed with safety in Table Bay. Supplies of water are easily obtained, but provisions, and especially vegetables, are scarce and dear. The land in the immediate neighbourhood is sandy and sterile, and the first four miles of the road to Cape Town (a distance of 22 miles) pass through beds of loose and heavy sand, which are penetrated by streams from the neighbouring mountains, and which it is impossible to avoid, and very difficult to improve. The carriage of goods between Simon's Bay and Cape Town is therefore subject to heavy charges, and the communication by sea, during six months of the year, is liable to delay and uncertainty from the prevalence of strong south-east winds in the summer, when the anchorage of Table Bay is secure.

As Simon's Bay is, however, more secure than any other, except that of Saldanha Bay, we beg leave to notice the expediency of a measure that has been recommended for facilitating the access of vessels to it by night, and for preventing the mistakes which the appearance of the headlands in False Bay have frequently occasioned. In making the entrance of the latter, vessels must pass between the Roman rock, not always distinctly seen, and a rock called "Noah's Ark," of a low tabular form, but sufficiently elevated above the sea line to admit a good foundation, and separated by a narrow channel from the main land. The want of some conspicuous object, indicating the entrance to Simon's Bay,

has both deterred vessels from attempting to beat up to it against contrary winds during the night, and occasioned the loss or damage of others that have been deceived by the resemblance of the headlands of Muizenberg.

A light placed upon the "Noah's Ark" rock, which might be constructed at little expense, would enable navigators who were strangers to False Bay to enter it at night, whether coming from the eastward or the westward, to avoid a dangerous rock called the "Whittle," and to steer directly for the anchorage in Simon's Bay, without apprehension of the Roman rock, or mistake of the headlands of Muizenberg. While the benefit to be derived from this light would be of great importance, it appears, by reference to an estimate upon which the greatest reliance may be placed, that the expense of constructing a stone "Lighthouse" will not exceed £500 sterling, assistance in mechanical labour, boats and tackle being afforded by the naval establishment at Simon's Town, and by the crews of His Majesty's vessels. There can be little doubt that the inhabitants of the town and vicinity would readily give their assistance in the carriage and collection of materials, of which stone and shell lime are easily procured. The expense of the light and attendance may be estimated at £41 per annum, which would be amply covered by a small tonnage duty, amounting to 1½*d.* per ton, taking the average of that which has entered Simon's Bay for five years, ending December 1823.

The wharf in Simon's Bay is more dangerous, from want of repair, than that in Table Bay, and the deposit of goods in the Custom-house stores is both expensive and inconvenient, on account of their distance from it. The repair of the wharf, therefore, is a work which ought not to be delayed, more especially as it appears that the naval service derives occasional assistance from it, which is given gratuitously, but which should be repaid by contributions of labour in repairs. The same wharf dues are received there as at Cape Town, and we find that those charged for landing a cargo of a ship of 500 tons amounted to the sum of £20 sterling. This operation is performed with more facility than at Table Bay, and if the trade of deposit were to be established at the Cape, Simon's Bay would in all probability be preferred. From circum-

stances of a local nature, which we have explained, it is not likely to become a place of resort for vessels that are in want of supplies, or laden with cargoes destined for colonial consumption; but having been selected as a place of deposit for naval stores, it will afford means of repair and equipment, which the commercial establishments at Cape Town cannot command.

From later examinations that have been made of Hout's Bay, it appears that it is less capacious and secure than the anchorage in Simon's Bay, although in point of situation it is superior, as well as in the fertility and resources of the surrounding country.

The Breede River, which discharges itself into St. Sebastian's Bay, in the district of Swellendam, has lately been found accessible to vessels not exceeding 200 tons, and the farmers of that and the neighbouring districts have found the means of exporting their produce in exchange for the merchandize which has been supplied through commercial houses in Cape Town. From the facility of internal access that has been found to the banks of this river, and the little danger and risk in approaching it from the sea, some increase in the export of grain may be anticipated.

The anchorages in Mossel Bay and Plettenberg's Bay are too much exposed to the south-east winds to become places of resort, but they afford shelter to coasting vessels in the winter season.

Fresh water is not abundant, and the supply of shipping is attended with difficulty in Plettenberg's Bay, which was a place of resort for vessels loading with timber, a trade which has latterly been carried on at the Knysna.

The "Knysna" is a salt-water inlet of considerable depth and capacity, and contains good anchorage for vessels from 300 to 400 tons burthen; but the entrance is narrow and not safe, except with a leading wind. The shores of this channel are precipitous and rocky, and vessels are met in it by baffling winds, in which state they would derive security from warping buoys, if placed at intervals in the channel. A signal tower has been built upon the high land which commands the entrance, near to which is a house for a pilot, who acts as harbour-master, and is authorized to charge two skillings ($4\frac{1}{2}d.$) per ton for every vessel entering the Knysna.

Water is obtained at a landing place on the left shore of the harbour, where 80 acres of land were ceded by the proprietor in exchange for the right which is reserved to the Crown upon his other estates bordering upon the river and harbour, and at a place called "East Ford" in the former, to which the tide does not ascend. Between the month of February 1817, when the Knysna was entered for the first time, and the month of December 1823, it appears that 55 ships and vessels, some of which were of 300 and one of 437 tons burthen have entered it. The contiguity of some large forests, and the adaptation of some species of timber which they contain to naval purposes, induced the naval commissioner to obtain supplies for His Majesty's ships on the station, and to submit to the consideration of the Lords of the Admiralty the expediency of establishing a building yard there for frigates and other vessels.

A vessel of 200 tons burthen has since been built at the Knysna, of materials procured from the neighbouring forests. We think it probable, that the construction and repair of vessels of small tonnage will be continued at this port; and if the communication with the district of George were improved, the produce of that and the neighbouring district of Uitenhage would be conveyed thither for exportation. The establishment of a village upon the banks of the Knysna must now depend, in a great measure, upon the disposition which may be evinced by the two proprietors of the adjoining land, to concur with the local government in an appropriation of a portion sufficient to ensure subsistence to a labouring and maritime population; the most eligible situations for this purpose having been included in the grants that were made to one of the proprietors without a sufficient consideration of their future value, and the small portion which is reserved to the Crown in its grants of land upon the banks of rivers having been exchanged with the same person for a landing and watering place, which was required for the naval department. The right of the Crown to the margin of the opposite bank is still entire; but although the water is deep and the anchorage good, the shore is generally steep and not so fertile as that in which the right of the Crown has lapsed. As it is the interest of the proprietor of these estates to encourage the exportation and consumption of the timber of the neighbouring forests,

and to promote the settlement of industrious labourers, we have reason to believe that he will concur in any scheme of exchange or substitution for the quantity of land that may be required for the wants of the inhabitants of a village, although we did not think ourselves justified in holding out to him an expectation that the Government would consent to repurchase land that had been so recently and improvidently granted, and upon which he seemed to place a high value.

The anchorage of Algoa Bay was surveyed (as we have already stated) by Captain Moresby, of His Majesty's ship *Menai*. The advantages which it possesses are fully and justly described, but the operation of landing parties of emigrant settlers in 1820, which Captain Moresby superintended with so much success, indicates a facility which is chiefly attributable to the skill and energy of the sailors of the navy, but which has not been attained by the boatmen and labourers by whom this service is now performed. During six months of the year, when the north-west winds prevail, little difficulty occurs, but during the remaining months, a heavy sea rolls in from the south east, which impedes the embarkation and landing of goods, and frequently injures them. As it may be reasonably expected that the commerce of Port Elizabeth with India and with Mauritius will increase, and as it presents the most favourable opportunities to vessels to obtain supplies of water and provisions at a very cheap rate, the construction of a jetty or wharf for boats would be attended with real and immediate advantage. A pier constructed in England upon the principle of suspension would probably be found the most useful and economical; the cost would be readily ascertained, and an engineer might be sent out for the purpose of erecting it.

The remarks of Captain Moresby comprise a description of the mouth of the Zwartkops, the Sunday, the Kowie, the Great Fish, and the Keiskamma rivers, the characters of which are nearly alike, and present difficulties which are not to be removed without incurring an expense, which neither the present circumstances of the colony nor any reasonable expectation of future improvement in its resources could justify.

The advantage of a place of export for the produce of the district of Albany was eagerly anticipated by the inhabitants, and prematurely by the local government; and the expectation

which was entertained by Captain Moresby and others, of finding an easier entrance for vessels to the river "Kowie" than to the other rivers on the same coast, has not been realized. We subjoin a plan for its improvement, which will serve to explain the causes of the obstructions which occur in the navigation of this and the other rivers that we have mentioned. The difficulties of internal communication, and the distance from the market of Cape Town, has impressed the inhabitants of the maritime districts with the necessity of resorting to some other and more prompt expedient for transporting their produce to market; and those of the districts of George and Uitenhage united in a memorial to us, in which they represented the advantages which an establishment at the "Kromme River" would afford them. This river discharges itself into an open bay of the southern extremity of Africa, and is not navigable for vessels drawing more than eight feet water. The anchorage in the bay is good; the entrance of the river appears to be attended with little difficulty or danger, and from the depth of water near the shore, the surf is not so high as upon the eastern coast. The land which is best calculated for a maritime establishment is occupied by an individual, who would not be unwilling to dispose of a part or the whole of it. A small portion would be sufficient for the construction of a residence for a pilot and boat's crew, but the establishment of a village would require a space of ground of not less extent than three hundred acres. We do not conceive that the maritime intercourse which may be established at this port will interfere with that of Port Elizabeth, from which the distance by land is greater than by sea, but it will tend to facilitate the export of produce from part of the district of Graaff Reinet, and from the neighbouring districts of George and Uitenhage.

The opening of these ports, although calculated only for vessels of small tonnage, will give encouragement to the coasting trade of the Cape, and gradually supersede the necessity of an expensive and tedious transport by land, which is so unfavourable to the progress of agricultural industry and improvement.

From the account that we have given of the bays and anchorages of the colony, we do not entertain any sanguine

hope of their being rendered attractive to foreign commerce, Saldanha Bay alone forming an exception in point of security but not of situation. The eastern and southern shores of the colony however are anxiously observed and approached by vessels in their voyage from India; and it has been generally found, that a passage round the Cape in the winter months is more easily accomplished by keeping in with the southern shore than at a distance from it.

Cape Recife forms the extreme point on the south-east coast of Africa, and from being a low and rocky projection presents the greatest danger to navigators. Upon the authority of two naval officers well acquainted with this position, and confirmed by subsequent observations, we strongly recommend that a lighthouse should be constructed upon it, which would essentially contribute to the safety of all vessels returning from India to Europe, and from its proximity to Port Elizabeth would in an equal degree encourage their resort to it.

We conceive that the expense attending the construction of the lighthouse at Cape Recife might justly be defrayed in England, on the ground of the general advantage to commerce and navigation to be derived from it, and the colony might be charged with the current expense of maintaining the light. This lighthouse would be an inducement to all vessels to make the coast at that point to ascertain their position, and several would enter Algoa Bay for refreshments, where the construction of a jetty would add greatly to their convenience, and facilitate the trade of the eastern province. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE,
W. BLAIR.

The Right Hon. Sir George Murray, G.C.B.,
One of His Majesty's Principal Secretaries of State,
&c. &c. &c.

[Original.]

*Letter from JOHN THOMAS BIGGE, ESQRE., to
R. W. HAY, ESQRE.*

CAPE OF GOOD HOPE, 3rd November 1828.

SIR,---I have the honor to inform you that I arrived here from Mauritius on the 20th ultimo with the intention of pursuing my voyage to England, but finding that my health had suffered from the change of atmosphere I have determined to remain at this place or to repair to St. Helena to take advantage of the many opportunities that occur there of continuing my voyage at a more advanced period of the season.

Before I left Mauritius I completed a Report on the Trade of the Cape, which my colleagues undertook to transmit together with the evidence and documents to the colonial office, and as they felt reluctant to impose upon me in my present state of health the care of those upon which no special reports have yet been made, they will take an early opportunity of transmitting them to the colonial office, where I trust I shall find them on my arrival, and with the permission of His Majesty's Secretary of State will resume the performance of that duty which the state of my health and the call that was made upon the services of my colleagues has hitherto so much interrupted. Altho' I acquiesced in the suggestion of my colleagues with respect to a large portion of the papers and evidence, yet as I felt very desirous of making an exception of those which relate to the Population of the Cape and especially to the condition of the Slaves, Hottentots and Coloured Inhabitants, they kindly acceded to my wish, and I am now occupied in framing a report which I shall either be able to convey or to transmit to England by an early opportunity. I have &c.

(Signed) JOHN THOMAS BIGGE.

P. S. I beg leave to enclose a letter which was entrusted to my care by the Reverend Dr. Slater of Mauritius, and the transmission of which I am unwilling to delay on account of the change in my destination.

[Original.]

*Letter from MAJOR COLEBROOKE AND MR. BLAIR to
R. W. HAY, ESQRE.*

MAURITIUS, 4th November 1828.

SIR,—Since we closed our letter to you of the 27th ultimo the Governor has communicated to us a despatch he had received from the Right Honorable Sir George Murray, conveying instructions to His Excellency for the enfranchisement of the Government Slaves and their removal from Mauritius to the Eastern Districts of the Cape of Good Hope. His Excellency having requested our opinion on the subject of this measure before the meeting of the Council, we begged to decline under the circumstances of the case to offer any, but we intimated to His Excellency that we had collected all the information we required relative to the Government Slaves and to the establishment of the Matricule to enable us to report our opinion to the Secretary of State as to the future disposal of them. We are not aware of the result of the deliberations of His Excellency the Governor in Council on the subject of the Instructions of Sir George Murray, but as our Report on the Finances and Establishments of the Colony cannot be transmitted by the present opportunity, we think it our duty to explain that we have long decided on recommending to His Majesty's Government to reduce the Matricule Establishment, and to enfranchise the Government Slaves; and we had already drawn up the details of the arrangements proposed by us with regard to them, and which comprehend the settlement of the Negroes with their families on provision-grounds on the Government Lands at Reduit and Mon Plaisir under proper superintendence, the continued employment for a time of some artificers and others in the Civil Engineer's and Harbour Master's Departments as apprentices, and an entire reduction of the establishment of the Matricule, by which an expence of upwards of six thousand pounds per annum is incurred, including the provisions of the Government Slaves, and in room of which the Public will merely have to bear the charge necessary for providing a reduced number of efficient workmen and labourers required

by some of the public Departments, and who would not eventually become burthensome to the Government. The measure of settling the Government Negroes on provision-grounds we are prepared to recommend as a desirable mode of reducing the expense of the Botanical Gardens, combined with the object of making provision for the families and invalids, and of holding out an example to the Planters of the benefits arising from this system rather than depending on the importation of precarious supplies from distant countries.

We do not enter at present into any detailed explanation of the proposed measures, being anxious only to mention our general views arising out of the information we have acquired upon the subject. We have &c.

(Signed) W. M. G. COLEBROOKE,
W. BLAIR.

[Original.]

*Letter from MAJOR COLEBROOKE and Mr. BLAIR to
R. W. HAY, ESQRE.*

MAURITIUS, 29th November 1828.

SIR,—Referring to our letter of the 2nd ultimo announcing Mr. Bigge's departure from this Island, we have the honor to apprise you that we have transmitted to him the original of our Report upon the Trade of the Cape of Good Hope, the navigation of the Coast, and the improvement of its Harbours, with a request that after adding his signature to it he will forward it to the Right Honorable the Secretary of State.

Uncertain as we are at present whether Mr. Bigge has proceeded direct to England, or remained for the benefit of his health at the Cape, we have thought it right to have a duplicate Copy of the Report prepared, and we accordingly transmit it direct to the Secretary of State, signed by ourselves, with the view of affording to him the earliest opportunity of ascertaining the nature of our recommendations. We have no reason to anticipate any objection on Mr. Bigge's part to attach his signature to the Report in its present form, but if

the duplicate should be promulgated previous to the receipt of the original with Mr. Bigge's signature, we request that any observations with which he may be induced to accompany the Report may be also published. We have &c.

(Signed) W. M. G. COLEBROOKE,
W. BLAIR.

[Original.]

Letter from MAJOR COLEBROOKE to R. W. HAY, ESQRE.

MAURITIUS, 5th December 1828.

SIR,—The measure proposed in our Report on the Trade of the Cape of Good Hope for the admission of that Colony to the privileges of a free Port, combined with our former recommendation in favour of the reduction and regulation of the Colonial Duties on Goods imported in British and in Foreign Vessels, we have reason to hope will afford relief to that Colony, without any prejudice to the maritime interests of Great Britain but as the indiscriminate admission of Foreign Vessels to the Ports of the Colony might lead, without precise regulations, to the employment of Foreign Seamen in the coasting and carrying Trade to the Eastward, on account of the lower wages that they are generally willing to accept, I am induced to observe that it would be desirable at the same time to provide that vessels engaged in the coasting Trade should be exclusively navigated by British, or British Colonial Seamen, and that vessels engaged in the carrying Trade with other British Colonies or Possessions to the Eastward should be navigated by crews composed of at least three-fourths British or Colonial Seamen, the remaining fourth being allowed to be Foreigners who had not obtained a settlement in the Colony.

We have noticed in our Report the advantage that would result from encouraging the Cape Colonists to engage in maritime pursuits, by which the services of a class of men would be acquired who were accustomed to the navigation of the Seas and Coasts of Southern Africa, which are so well-

calculated to form a race of hardy and enterprising Seamen. Our Trade materially suffered during the last war from the number of vessels that the French were enabled to fit out from this Port and to man with their Colonial Seamen, a resource which we did not possess in our Eastern Settlements from not having colonized them.

Under these circumstances, it may be an object of some future importance to our maritime interest in this remote quarter, that in regulating the Colonial Trade we should take measures to encourage the employment of our own seamen, who would be available for our naval service in time of War. I have &c.

(Signed) W. M. G. COLEBROOKE.

[Original.]

*Letter from MAJOR COLEBROOKE AND MR. BLAIR to
R. W. HAY, ESQRE.*

MAURITIUS, 6th December 1828.

SIR,—Referring to our letter of the 2nd October last, wherein we informed you that Mr. Bigge had selected and taken with him the Evidence and Papers collected in the course of our enquiries at the Cape of Good Hope upon the subject of the Hottentots, Bosjesmen, Caffres, Prize Negroes, and Slaves, we have now the honor to acquaint you that we have forwarded by the *Atlantic*, Johnson Master, a Box addressed to the Right Honorable the Secretary of State containing Maps, Plans, Letter Books, and Documents, the particulars of which are described in the Schedule herewith enclosed.

These Books and Papers, with those transmitted to the Secretary of State during the last five years and those taken to England by Mr. Bigge, constitute the whole of the official Records of our Commission which relate to the Cape of Good Hope.

We have hastened the compilation and transmission of the voluminous Records to the Secretary of State's Office, with the

view of enabling Mr. Bigge on his arrival in London to have immediate access to them for the purpose of preparing Reports upon those subjects which remain to be noticed.

As many of the Documents now transmitted contain both evidence and information reflecting upon the personal conduct and character of Individuals, which it has been found impracticable to separate from matters of general concern, but which if published would be attended with pain to their feelings as well as embarrassment to the parties who afforded us information, we have directed our Secretary on this as on a former occasion to mark the words "*not to be published*" upon all those Documents to which these objections more particularly apply.

Independently however of the Papers thus particularly noted, it will be seen that there are many other Documents which contain our original Notes and Memoranda of information collected from Individuals in the course of our varied inquiries in that Colony. These Memoranda and Statements of parties, altho' unauthenticated and otherwise unfit for publication, have been added to the compilation of Official Documents for the purpose of completing the information collected by us in each case; and with the view of further facilitating the means of future reference, we have forwarded the three Letter Books which contain copies of our Official Letters addressed to the public authorities and to private Individuals at the Cape, and to which an Index is annexed. We have &c.

(Signed) W. M. G. COLEBROOKE,
 W. BLAIR.

[Original.]

Letter from MAJOR COLEBROOKE and MR. BLAIR to the
RIGHT HON. SIR GEORGE MURRAY.

MAURITIUS, 21st December 1828.

SIR,—Referring to the letter we addressed to Mr. Hay under date the 30th April 1828, wherein we apprized him of the desire expressed by Mr. Mackrill our Chief Clerk to return to

the Cape of Good Hope (where his family are settled) at the close of this year, we do ourselves the honor of informing you that Mr. Mackrill having represented to us the urgency of his family affairs, which rendered it a matter of great importance to him that he should reach the Cape in the early part of the year 1829, and the difficulty he would experience in procuring a passage thither during the approaching hurricane season, we did not feel ourselves justified in urging him to remain longer with us, and he accordingly embarked for the Cape on the 15th Instant.

We were the less reluctant to consent to his departure at this period, as he had furnished the most material portions of the business upon which he had been engaged in our office, and as we calculated that if you acceded to the wish we had expressed in April last of having a gentleman sent out from England to succeed Mr. Mackrill, his successor might be expected to join us in the course of this or the ensuing month.

Mr. Mackrill has been employed as our Chief Clerk at the Cape of Good Hope and Mauritius for five years and four months, and as we have already had occasion to mention in our Letters to Lord Bathurst and Mr. Hay, we have had ample reason to be satisfied with the zeal with which he has executed the Business entrusted to him, and of his discretion under circumstances of great delicacy both here and at the Cape. Unfortunately for him, he has found that the expenses of living in this Island were far too great to admit of his supporting himself in Mauritius and his family at the Cape upon his salary, even under the most rigid system of economy, without involving himself to a certain degree in debt. With the view therefore of enabling him to leave the Colony with credit to himself and to the situations he has held, we felt it incumbent upon us in justice to his faithful services to direct our Secretary to make him an advance of six months salary from the date of his embarkation, amounting to £136 10s., as a gratuity for past services, and we venture to hope that under the peculiar circumstances of Mr. Mackrill's case you will be induced to sanction this charge in the public account of expenses incurred for this Commission, and should you be pleased to accede to our wishes, we would request that a communication may be made direct to the Commissioners of

Colonial Audit to enable them to allow the charge in the public accounts of this Commission for the quarter ending 31st December 1828. We have &c.

(Signed) W. M. G. COLEBROOKE,
W. BLAIR.

[Original.]

Letter from MR. WILLIAM GREIG to R. W. HAY, ESQRE.

CITY ROAD, 31st December 1828.

SIR,—I was favored with your letter of the 28th September in reply to that I had the honor to address to Sir George Murray on the 15th August last, and have not earlier acknowledged the receipt because I was anxious to receive advices from the Cape before again troubling you.

I revert to the case of the *South African Advertiser* with great unwillingness, but Sir, its very great importance both in a Public and Private point of view induces me to overcome my reluctance and again to enter on the subject.

After the full statement of the case contained in my letter to Sir George Murray, together with the documents which accompanied it, I certainly did not expect that the Colonial Secretary would have dismissed the subject in a manner so brief and with such a total forgetfulness of all the facts adduced in that letter and in the documents there referred to. Such however being the case, I fear the only measures now left me to pursue are an Appeal to Parliament, and as respects Lord Charles Somerset, to a Court of Law: from this alternative, if no other course remains open to me, it will be my duty not to shrink.

You inform me that Sir George Murray is at a loss to know what is meant by the assertion "That this case has been for a length of time before the Colonial Department," for he considers it to have been fully disposed of by the letter which by Mr. Huskisson's desire you addressed to Mr. Fairbairn on the 9th January last. In reply I beg to refer you to the letter from Mr. Fairbairn to Mr. Huskisson of date 18th February

1828, wherein it will be seen that Mr. Fairbairn by no means considered the case disposed of as to any specific complaint or claim he had preferred, and under such circumstances could it be reasonably supposed that the injured Proprietors of the *Advertiser* should quietly sit down content and not prosecute by every legitimate means their claims to pecuniary redress? Certainly not; besides Mr. Huskisson had not defined the principle on which the *Advertiser* was in future to be allowed to proceed. This was strongly felt at the time, hence the Memorial from the merchants to Mr. Huskisson and the interview which afterwards followed between yourself and Mr. Borradaile. Mr. Huskisson in his letter to Mr. Fairbairn under date 26th January stated that Mr. Fairbairn on his arrival out "would have to conform to whatever order might be in force on the subject of Newspapers." This at the time was not considered satisfactory, but the assurance given by you, Sir, in the name of Mr. Huskisson, to Mr. Borradaile, and by him, with *your authority*, communicated to Mr. Fairbairn, "that the Press should in future be free, that is Subject only to the Laws," satisfied all Parties on that point; what then could exceed the astonishment of the Proprietors of the *Advertiser* to find, on making application to the Governor in Council for a copy of the Order alluded to by Mr. Huskisson, in order that they might thereby regulate their proceedings, "that for certain reasons the Order in question had not been issued."

Here then is a proof, were any indeed wanting, of the case not having been fully disposed of, and I feel it my duty to solicit Sir George Murray's immediate attention to the peculiar situation in which the Proprietors of the *Advertiser* find themselves placed, and this too entirely contrary to the explicit declaration on the subject made by you, Sir, to Mr. Borradaile; and allow me to state that that gentleman adheres to his conviction of the decided correctness of his Report to the Merchants and to Mr. Fairbairn of what passed between yourself and him on the occasion alluded to. The most extraordinary discrepancy between the promises held out in this *authorised* statement, and the measures subsequently pursued at the Cape, demands, and will certainly have, the most serious enquiry.

In conclusion allow me, Sir, to request the favor of the return to me of the documents which accompanied my letter to Sir George Murray. I shall require their use in my future proceedings, and I do not learn that the Secretary of State considered them of sufficient importance to desire their retention. I have &c.

(Signed) WILLIAM GREIG.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to Mr. WILLIAM GREIG.

DOWNING STREET, 10th January 1829.

SIR,—I have received and laid before Sir George Murray your letter of the 31st ultimo, and am desired by the Secretary of State to return to you the Documents contained in the letter which you addressed to him on the 15th August last, and of which you state that you will have occasion to make use in the future proceedings which you propose to institute.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MAJOR COLEBROOKE to the RIGHT HON.

SIR GEORGE MURRAY.

MAURITIUS, 24th February 1829.

SIR,—I had yesterday the honor to receive your Despatch dated the 3rd August last, enclosing a resolution of the House of Commons under which an address had been presented to His Majesty, praying for copies of our Reports relative to the condition of the Hottentots and Bushmen at the Cape of Good Hope, and requesting that we would transmit a Report respecting the Missionary Institutions in the Colony established for their benefit. From our several Reports and

communications transmitted in the years 1826, 1827, and 1828, you will be in possession of the most important information obtained by us respecting the condition of the Hottentots and Bushmen throughout the Colony, together with our view of the changes requiring to be made in the Laws and regulations regarding them. From experience of the ill effects of considering the Hottentots and Bushmen as a distinct race of people, and thus subjecting them to the operation of peculiar laws, it was our object to include the consideration of those Laws with others which were noticed in our general Reports, and to recommend those measures which would be calculated to relieve them from the restrictions which were injurious to their individual advancement, by placing them upon a footing with the other free Inhabitants of the Colony.

The particular questions relating to the condition of those people at the Missionary Institutions (as we have before stated) will form the subject of a special Report, which Mr. Bigge has undertaken to prepare, and I trust it will appear that the measures we have recommended with a view to secure the Hottentots generally in the enjoyment of their rights as a free People will have equally removed the principal grounds of complaint which have been preferred by the Directors of the London Missionary Society.

The papers submitted to us by Dr. Philip and the memorials addressed to Earl Bathurst by the Directors of that Society have been taken to England by Mr. Bigge, who will have arrived in London before this communication can reach you.

I have &c.

(Signed) W. M. G. COLEBROOKE.

[Original.]

Letter from MAJOR COLEBROOKE to the RIGHT HON.

SIR GEORGE MURRAY.

MAURITIUS, 24th February 1829.

SIR,—I have had the honor to receive your Despatch marked separate and dated 3rd August 1828, transmitting to us a

publication which has appeared from Dr. Philip respecting the condition of the Hottentots and Bushmen at the Cape of Good Hope, and with reference to the explanations contained in my reply to your Despatch of the above date enclosing the resolution of the House of Commons on the same subject, I have only to add that Mr. Bigge had an opportunity of perusing this publication before his departure from Mauritius, and I entertain no doubt that he will take notice of the statements contained in it in the special report which he has undertaken to draw up. I have &c.

(Signed) W. M. G. COLFBROOKE.

[Original.]

*Letter from MAJOR COLEBROOKE to the RIGHT HON.
SIR GEORGE MURRAY.*

MAURITIUS, 24th February 1829.

SIR.—With reference to my letter of the 27th December last, I do myself the honor of reporting to you that my Colleague Mr. Blair embarked for the Cape of Good Hope on the 19th Instant, intending to proceed from thence to England by an early opportunity.

Having brought our proceedings in Mauritius to a final close, I have considered it my duty to lose no time in obtaining a passage to Ceylon, and I have the satisfaction of being able to report that I shall embark this evening in the ship *Winscales*, having engaged to pay four hundred and eighty pounds for myself, Mr. Gregory, the Office Keeper, and our two domestic servants and baggage, and having stipulated with the Master that he should touch at the Seychelles Islands, by which I shall be enabled to report the result of my observations on these dependencies, especially in regard to the present condition of the Slaves.

These terms are the most favorable that could have been obtained at present, no other offer having been made in pursuance of an advertisement which I caused to be published in January, and no vessel being expected to touch at this

port on her way to Ceylon. Nor have we an opportunity of proceeding in any Vessel of War, the whole of His Majesty's Ships on this station being detained at the Cape of Good Hope during the hurricane months, with the exception of the *Espoir* charged with the duties of this Port, and Captain Greville has informed me that none are expected to arrive here till after the month of March. We addressed ourselves to Commodore Skipsey before his departure from hence in November last, and I have no doubt that he would have appointed a vessel to convey us, could we at that time have felt ourselves justified in stating, as precisely as he wished, the period at which we would be ready to proceed to Ceylon.

I have &c.

(Signed) WM. M. G. COLEBROOKE.

[Original.]

*Draft for the Settlement of the Lands at the Missionary
Institutions in South Africa.*

The restriction upon the Hottentots and other people of colour from acquiring and possessing land having been removed by a special clause in the late Ordinance for improving the condition of those classes, it may be expected that many will be found who are prepared to take advantage of the opening thus afforded to them, by obtaining grants, or exchanging their stock or a part of it for land; but as the title of those Hottentots who have fixed their property at the missionary institutions is still unconfirmed, where the lands conceded by Government are held in trust by the missionaries for their common benefit, it appears to me of importance that measures should be taken for effecting a final settlement of these lands upon the individuals who have acquired property at the institutions, and have resided for a sufficient time to give them a claim to a grant of their allotments.

Whatever success may have attended the labour of the missionaries in civilizing the Hottentots and Bushmen, and however necessary at the outset may have been the regulations

framed by them for the management of their institutions, it is apparent from the published account of their regulations that they are inapplicable to the present condition of the people, especially in "the right of admission and expulsion depending, as it is made to do, upon the judgment of the missionaries," a right which on every account should be expressly relinquished in respect to those who, having been led to settle with their families and stock on the lands of the institutions, have been encouraged to invest their property in substantial improvements, and to employ their industry in erecting houses, and in enclosing and cultivating gardens. Such property must be subject to the general provisions of the colonial law, (as indeed is the property acquired by slaves); and it would be manifestly unjust to the free Hottentot to debar him from the common privilege in the uses he may be disposed to make of it. The little protection hitherto given to the property of this class throughout the colony, added to their exclusion in general from the opportunity of realizing that which they have acquired, will account for the colonial authorities having but little knowledge of the property possessed by them at the institutions, except of their stock which was returned for taxation.

Having but limited tracts of pasture ground at the institutions for maintaining the stock earned by them in service with the farmers, the Hottentots have properly been advised to dispose of a part, and to apply their resources to the improvement of their dwellings, and it is I think to be regretted that with the object of promoting so beneficial a change in their habits, the missionaries should not have directed their attention to the acquirement of grants in their favour of all such improved allotments, as well as to the extension of the undivided commonage for depasturing cattle. If their individual property had been thus secured and brought under the inspection of the law, those encroachments on the part of colonists and others which have been the subject of complaint could hardly have been committed with impunity.

The adoption of a general measure for the permanent settlement of these lands, by their sub-division amongst the actual settlers, would necessarily involve a departure from the exclusive system on which these establishments have been

hitherto maintained. The missionary would retain his dwelling, and continue in the superintendence of his school and the instruction of the people settled around him ; but as the property of individuals would be at their free disposal, he would cease to possess any further control over the description of persons to whom it might be transferred, and whose views might lead them to resort to and settle at the institution.

Dr. Philip indeed has anticipated, that by adopting a liberal policy towards the Hottentots, "the objection against the missionary institutions, that they train up the Hottentots as a separate people, will be removed, together with the necessity for maintaining such institutions ;" and it may be confidently stated that when their rights as a free people have been adequately secured throughout the colony, their advancement may be greatly accelerated by a more general intercourse with the other inhabitants.

The settlement of the lands at the institutions may tend to promote this assimilation in the most satisfactory manner, for if some English or other settlers should purchase allotments through the opportunity afforded to individual Hottentots thus to dispose of their property, a moral effect would be the consequence of their equality of condition, their pursuits in common, and the advantage indifferently held out to the families of every class, of instruction in the same schools. In time, teachers of different religious communions might be induced to settle, and thriving and independent communities would thus be formed, where the recognition of equal rights in individuals of all classes would secure their equal protection, and a common participation in their internal administration.

The real friends of the Hottentots and coloured races would promote to the utmost such an assimilation.

Where the lands at the institutions have been purchased by the missionaries through subscriptions raised amongst the Hottentots, the distribution of them would require to be made by common consent, or according to the provisions of the law, where the interests of heirs or absentees might be involved ; and where the lands have been conceded by Government and are held in trust by the missionaries, the occupiers might be declared entitled to the free grant of their allotments after a

residence of three years in each case, and the erection of a substantial dwelling.

It is hardly necessary to add, that the settlement of English families amongst the Hottentots would have the further effect of rendering the latter more familiar with our language than they have hitherto become at any of the missionary institutions, and especially in those where instruction has been given exclusively in Dutch.

(Signed) W.M. M. G. COLEBROOKE.

Mahe-Seychelles, 11 March 1829.

[Original.]

Letter from J. T. BIGGE, ESQRE., to R. W. HAY, ESQRE.

WHITEHALL PLACE, 9th June 1829.

DEAR SIR,—In reply to the Inquiry contained in your Note of yesterday's date, I beg leave to inform you that the state of my health since my arrival in England has so much retarded the progress of the Report which I undertook to frame upon the state of the Hottentots and Bushmen, as well as upon the memorial of the Directors of the London Missionary Society, that I have no expectation of being able to complete it in a shorter period than one month from this Date.

In returning to you the letter of Major Colebrooke, with the perusal of which you have favored me, I will take the opportunity of observing that until yesterday I was not aware that copies of the Reports of the Commissioners upon the condition of the Hottentots and Bushmen at the Cape had been moved for in the House of Commons, nor that any request had been made to us to transmit a Report upon the Missionary Institutions. Upon leaving Mauritius in October last I undertook this Duty from the anxiety which I felt to furnish His Majesty's Government with the result of the Information that we had collected upon these and other subjects, as well as from an impression which was subsequently confirmed by my Colleagues Major Colebrooke and Mr. Blair, of the impracticability of their entering upon that

duty themselves. Upon my arrival at the Cape of Good Hope, I understood that an address to His Majesty had been moved in the House of Commons, praying that measures of protection and relief should be extended to the Hottentots and Bushmen, and as I found that an Ordinance (No. 49) had been previously issued by the Local Government which promised to effect those objects, I conceived that the necessity for an immediate transmission of any Report had become less urgent.

Having stated these circumstances, I will request the favor of being informed whether the Provisions of the Ordinance have received the sanction of His Majesty's Government.

I beg leave &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Letter from J. T. BIGGE, ESQRE., to R. W. HAY, ESQRE.

WHITEHALL PLACE, 5th November 1829.

MY DEAR SIR,—In reply to the Inquiry conveyed in your letter of this date, whether any correspondence had ever passed between my colleagues and myself and the authorities of the Cape of Good Hope relative to the military command at Simon's Town, I beg leave to state that I have no recollection and am not aware of any discussion or correspondence upon this subject, or that we were ever induced by that or any other circumstance to alter the Intention which we announced in our General Report of proposing the reduction of the situation of military Commandant of Simon's Town; no Provision was accordingly made for it in the financial estimates of the Colony which we prepared and transmitted to England. I beg leave to remain &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Letter from J. T. BIGGE, ESQRE., to R. W. HAY, ESQRE.

WHITEHALL PLACE, 6th November, 1829.

MY DEAR SIR,—In further explanation of my answer to the Inquiry contained in your letter of yesterday's date, I beg to be allowed to add that our recommendation of the future reduction of the situation of Commandant of Simon's Town, the salary of which was then charged upon the Colonial Funds, was founded upon the limited extent of the military force which had been stationed there since the Peace, and the inconvenience that we perceived to have resulted from the exercise of civil and magisterial authority by the officers in command.

I am not aware of any augmentation having been made in the military force at Simon's Town during our residence in the Colony, by which our view of the expediency of continuing the command in an officer of higher military rank might have been altered. I beg &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Letter from J. T. BIGGE, ESQRE., to R. W. HAY, ESQRE.

17 WHITEHALL PLACE, 23rd December, 1829.

SIR,—I have the honor to acknowledge the receipt of your letter of the 21st Inst. enclosing copy of one that has been addressed to Secretary Sir George Murray by Mr. John Hawkins, and signifying the wish of the Right Honorable Secretary to be furnished with any information that I may possess upon Mr. Hawkins' claim.

In reply I beg leave to state that this claim arises out of the default of Mr. Willis, the late Vendue Master of the District of Albany, which was particularly noticed by my colleagues and myself in our Report upon the Finances of the Colony, and altho' I recollect that Mr. Hawkins submitted a statement of his case to our consideration, yet I do not think that it was made the subject of special investigation or Report, and I do

not find it noticed in the Schedule of Papers and Documents prepared by our Secretary Mr. Gregory, and which was transmitted to the Secretary of State in the month of December 1828; but as another set of Papers (of which I have no schedule) accompanied the Report on the Finances which was transmitted in the year 1826, I think it very probable that the case of Mr. Hawkins may be found amongst them.

A perusal of this statement might perhaps enable me to comply with Sir George Murray's request, but at this distance of time I feel a difficulty in saying whether any and what reasons existed in the case of Mr. Hawkins for limiting the responsibility of the local Government of the Cape for the default of its servant, or for refusing that indemnity to him which had been granted to the other Vendue Creditors of Mr. Willis. I have &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

*Report of J. T. BIGGE, ESQRE., upon the HOTTENTOT and
BUSHMAN POPULATION of the CAPE OF GOOD HOPE, and of
the MISSIONARY INSTITUTIONS.*

SIR,—In compliance with the instructions contained in your letter of the 3rd of August 1828, received by my colleagues at Mauritius after my departure, I have the honour to submit to you my Report upon the state of the Hottentots and Bushmen of the Cape of Good Hope; and at the same time to transmit the papers and documents relating to them and to the missionary institutions which were delivered to us by Dr. Philip, together with the copies of the memorials addressed to the Secretaries of State for the Colonial Department by the directors of the London Missionary Society.

As we found that much of the information upon which we had recommended, in former Reports, an alteration in the laws affecting the condition of these classes of the population, had been obtained in the course of the inquiries which we were directed to make into the complaints and memorials of

the directors and their agent at the Cape; and as we more recently found that the attention of the local government to the subject had led to some very important improvements in their condition, I was induced, at my departure from Mauritius, and in consequence of the important inquiries into its affairs in which my colleagues were then engaged, to undertake the duty of making a special Report upon the representations of the directors, and to convey their papers to England.

It is a subject of much regret to me that in the performance of this duty I have necessarily been deprived of the valuable assistance of my colleagues, and that I have also been disappointed in the hope, which the state of my health had led me to indulge, of being able to execute it in a much shorter period.

The present race of Hottentots and Bushmen are descended from the tribes which, under various names, were found by the first Dutch settlers on the south and south-western extremities of the Continent of Africa. They were distributed over the great extent of country that lies between the Elephants River on the north and the Indian Ocean.

The tribe of which the first distinct mention is made in the records of the Dutch Government, after the permanent settlement at Table Bay, in the year 1652, were named Saldanahs, with whom, as well as with the neighbouring tribes, the servants of the Dutch East India Company began their first intercourse, which consisted of the exchange of articles of iron and copper for sheep and cattle. Notwithstanding the efforts made by the Company to confine this trade to the supply of their own vessels, it seems to have been partaken by individuals, and to have extended itself to the tribes on the Breede River. The efforts of the government to afford protection to them, and to guard against the consequences of fraudulent and unequal bargains, appear to have been disregarded by the settlers, who at length resorted to force and violence, and proceeded in parties to possess themselves of the cattle of the defenceless natives. Information of these outrages at last reached the directors of the India Company in Holland, but so numerous and general were the instances of cruelty which had been exercised by the white inhabitants, that the directors abandoned the right of inflicting punishment

for past offences, and with a feeble threat in case of their being repeated, again notified their permission for carrying on the free trade in cattle.

The general occupation of the country over which the native tribes were scattered, and the distribution of it amongst the Dutch settlers, exposed them to the early vengeance as well as to the depredations of the Bushmen; and the official records make frequent mention of the expeditions that were undertaken to repress them, and which seem to have proceeded on one occasion with the merciless intention of extirpating the whole race. Although this purpose was not effected, yet the expulsion of the Bushmen from the lands to which they resorted for pasturage for their cattle, their confinement to those which, from the want of water, are frequently fatal to animal life, and the frequent and indiscriminate slaughter which took place whenever the armed inhabitants of the colony attacked the kraals and villages in which they were collected, must have greatly reduced their number.

The removal of the native inhabitants from the land which they had occupied was not the only consequence of the progress made by the Dutch settlers. It was deemed expedient to correct the wandering habits of the Hottentots, and by a resolution of the local government, passed in the year 1787, they were prohibited from changing their places of abode, and were required to furnish themselves with passes.

The effect of these measures of restraint was to place the Hottentots in more immediate dependence upon the colonists, or to compel them to unite with other tribes on the north-eastern frontier of the colony, whose numbers and character had rendered their intercourse with the colonists, as well as the Hottentots, a subject of apprehension to the colonial government.

Impressed also with a sense of the injuries which had been sustained by the Hottentots, the governor and council issued a proclamation, in which corporal punishment and confiscation of property were denounced against any colonist who should be convicted of ill-treating them, or of forcibly separating them from their wives and children; all barter with the Caffres was in future prohibited, and similar penalties of punishment and confiscation of goods were declared against the

inhabitants of the colony who should pass the Baviaan's or Tarka Rivers, or who should sell arms or ammunition to the native tribes.

The habits of indiscriminate pursuit of the natives which the Dutch colonists of the frontier had contracted, and the interest which they all felt in the success of these expeditions, materially tended to weaken the efforts of the government; and it is stated by a gentleman who filled the office of landdrost of the district of Graaff Reynet that the character of the veld commandants, to whose discretion and guidance the expeditions of the armed boors were committed, necessarily rendered their power liable to much abuse.

In his endeavours to substitute a more lenient system, this individual experienced great opposition; and it was the declared opinion of the colonists that the establishment of peaceable relations with the native tribes was impossible.

In his efforts to afford protection to the Bushmen he was more successful, and was assisted by several of the inhabitants, who entered cordially into his views, and voluntarily made contributions of cattle and sheep for the supply of the most necessitous families.

This system afterwards received the marked approbation of Governor the Earl of Macartney, who endeavoured to combine with it some acknowledgment of authority in the chiefs. He also ordered that a sufficient extent of lands should be assigned to the Bushmen, that their property should be protected, and that their children should not be taken away.

The result of this change in the treatment of the Bushmen was apparent in the cessation of their predatory attacks, and in the tranquillity which prevailed amongst them at a period in which the Caffres, who had advanced into the colony beyond the Fish River, excited and encouraged by the persuasions of several discontented and disaffected European settlers who had taken refuge amongst them, had united with the Hottentots in the Uitenhage district, and commenced a very destructive warfare upon the inhabitants of that district and of Graaff Reynet. The difficulty of successfully opposing such a body was much felt by the officer in command of the British forces, and it then became a principal object of Major-General Dundas to weaken its impulse by endeavouring

to detach the Hottentots from their co-operation with the Caffres.

In the letters which he addressed to the commissioner of the frontier districts, (Mr. Maynier,) and which were appended to a former Report, he advised the latter, in the first place, and as a primary object, to give all his attention to the Hottentots assembled on the banks of the Sunday River, and to take every measure necessary to procure their establishment in a suitable situation, where all who were reluctant to return to the service of the farmers might have a place of retreat, and be assured of the means of subsistence. He also deemed it necessary to assure the kraals of Hottentots that, under the protection of the government, they might live peaceably with their wives and children. Mr. Maynier was also instructed to furnish a list of the places that were then unoccupied by the boors, and on which Hottentots might be settled. Land was assigned at Zwarteberg and the Klein River to two of the chiefs; and those Hottentots who were unwilling to enter into the service of the boors, together with a party which had taken refuge at Graaff Reynet, were assembled at a place now called Bethelsdorp, between Uitenhage and Algoa Bay, whither they were conducted by Dr. Van der Kemp, a missionary, who had devoted himself to their instruction at Graaff Reynet, assisted by two other missionaries who had lately arrived in the colony.

This institution, as well as that which had been established by the Moravian Brethren in the district of Stellenbosch, were recommended by General Dundas, on his departure from the colony in the year 1803, to the protection of the officers of the Batavian government, whose declarations, as manifested in the early communication of General Janssens to the landdrost of Swellendam, evinced a very creditable anxiety to support the claims of the Hottentots and coloured classes "to the enjoyment of freedom, security, and the means of subsistence on that land which the General emphatically designated as originally and exclusively their own." The General also declared, that all punishment of the Hottentots by the persons in whose service they had engaged was to be prohibited, and that the contracts should be just and fair, and reduced to writing. From the language of these communica-

tions, it appears that the Hottentots were not entirely dispersed at this period; but the apprehension of their combination with the Caffres, with which the mind of General Dundas had been strongly impressed at the close of his administration, seem to have been communicated to the Dutch authorities, who, with more limited means of control, did not enter into the views or measures by which the British General had proposed to attach the Hottentots to the government.

It has been stated that the first efforts which had been made by Dr. Van der Kemp at Bethelsdorp to instruct and civilize the Hottentots were not attended with success; but it was not upon the partial failure of the experiment during the short period and in the very unfavourable circumstances under which it had been tried, that the objections or the restraints proposed by the Dutch authorities were grounded. They appear to have objected to any change being attempted in the civil condition of the Hottentots. In presenting regulations for public worship, Commissioner De Mist reserved to the governor of the colony for the time being the right of determining the number and stations of the Hottentot missions, and he prohibited the missionaries from proceeding to them without a special permission, and "from meddling with the civil condition of the Hottentots further than the governor might permit."

At a later period, General Janssens issued a proclamation, in which, after promising the sanction and encouragement of the Dutch and local governments to the efforts of duly authorized persons to civilize and instruct the heathen tribes beyond the border, he ordered that they should be at such a distance as to preclude any daily communication with the inhabitants of the colony or the Hottentots settled in it. He then recognized the existence of the Moravian mission in the Baviaan's Kloof, that of Mr. Kicherer on the Zak River, (a clergyman of the Dutch Reformed Church, who had been sent out as a missionary by a society at Amsterdam), and that of Dr. Van der Kemp, at Bethelsdorp, enjoining at the same time, that they should not induce or persuade any Hottentots or Bastaards, in the service of the colonists, to join their institutions, and especially prohibiting Dr. Van der Kemp and his fellow missionaries from going beyond the borders of the

colony without the consent of the landdrost of Uitenhage, or from receiving into the institution at Bethelsdorp any Hottentots who were either actually, or had been during the last twelve months, in the service of the boors. The governor further expressed an opinion that, in their present uncivilized state, it was unnecessary to teach the Hottentots to write, but that so far as their intellectual state would admit, they should be impressed with the simplest principles of social order, as established in the constitutions of the Batavian and local governments. Without entering into the reasons which may have influenced the Dutch authorities for imposing these restraints upon the rights of the Hottentots to dispose of themselves, and to repair to the missionary institutions, it is certain that little or no change had been effected in their dispositions, and no improvement in their civil condition, during the short period of the Batavian government. The admonitions to the landdrosts of the districts, contained in the 26th and 27th articles of the General Instructions which were issued by General Janssens, had failed in giving security either to the persons or the property of the Hottentots, in protecting them from the interested attempts of the farmers to obtain and secure their services upon very inadequate terms. In this state they were found upon the recapture of the colony by the British forces in the year 1806.

The principal measures that have been adopted by the British authorities since that period, more immediately involving the interests of the Hottentots as a class of the community, have consisted of the proclamation of the Earl of Caledon, dated the 1st of November 1809, and that of Sir J. Cradock, dated April 1812; those of Lord Charles Somerset, dated August 1817 and July 1819. The objects proposed in the first of these laws, as collected from the preamble, were to afford a greater degree of security to the Hottentots in their contracts of service with the colonists than had been attained by the antecedent laws; to give them fixed places of domicile, and to subject them to rigorous control in moving from one place to another. It is to be inferred from the language of the first clause of the proclamation of 1809, that it was the intention of the framers of it to place the Hottentots upon the same footing, in point of property, as the other classes of free inhabitants;

and, in point of fact, the regulation which it prescribes, of an entry of their names and places of abode in a book to be kept by the landdrost of the district, and that of obtaining a certificate from him when removing from one district to another, has been made equally applicable to all classes except that of the slaves.

That the Hottentots had been possessed of property in various parts of the colony, and that they had derived some portion of their subsistence from the cattle which they were enabled to rear upon the lands in the vicinity of their kraals and villages, is a question which never appears to have been doubted. The number of their places had, in later periods, greatly declined, but there still remained the means of compensation or partial restoration, and one place named the Zuurbrak, in the district of Swellendam, was actually restored to the Hottentots by the Earl of Caledon himself.

It is therefore matter of surprise that, since the date of this proclamation, the Hottentots have been considered as being incapacitated by law from holding lands; and that, with a very few and late exceptions, they have never held any.

In the answer of the landdrost of Uitenhage to the third interrogatory that was addressed to him upon this subject, he stated that there has never been an instance in this district where a Hottentot has possessed lands; nor has the landdrost ever received instructions to permit such; and which, to his humble conception, would require considerable alteration of the present system, especially while the distinction between the Burgher class and the Hottentot people is so wide. The landdrost may imprison and punish Hottentots at his discretion, whereas he cannot legally imprison, and much less punish, a Burgher, without a decree of a court of justice. In addition to this distinction noticed by the landdrost, there existed the objection of their not being Christians, which was stated by His Majesty's fiscal as another ground of incapacity, and mentioned in a former Report upon the laws and civil jurisdiction, although in some cases of Mohammedans, who had made application for lands, the objection was not allowed to prevail. The modified possession, or rather occupation of land, which the Hottentots have enjoyed through the medium of the missionary institutions, will be noticed hereafter, as

well as the complaints of the missionaries of their limited extent, and of their incompetence to support the numbers that resorted to them.

From its incidental connection with the subject of the first clause, it will be more convenient in this place to take the 16th, in which it is required that "Hottentots going about the country, either in the service of their masters, or other lawful business, must be provided with a pass, either of the master under whom they serve, or the magistrate of the district, under the penalty of being considered and treated as vagabonds; and that every one is to ask a pass from any Hottentot that happens to come to his place, and in case of his not being provided with it, to deliver him up to the veld cornet, landdrost or fiscal, in order to act as, after due inquiry, they should feel it incumbent to do."

The effect of this clause has placed the Hottentots under the control of every inhabitant of the colony, and having been enacted at a period when the demand for free labour was encouraged by the prohibition to import slaves, the vigilance of those who were interested in obtaining it was naturally excited in detaining the Hottentots upon frivolous pretexts within the limits of their respective districts. It has likewise been attended with inconvenience to the inhabitants who employed them, especially in the neighbourhood of the villages and markets, with which constant and frequent intercourse was to be maintained.

The principal clauses, however, of this proclamation relate to the contracts of hiring and service between the inhabitants of the colony and the Hottentots, made for any longer period than one month. They are all calculated to secure to the parties a knowledge of the terms of service, and to preserve a record of it in case of loss, by a reference to the counterparts, which are required to be kept by the fiscal, the landdrost of the district, or the veld cornet, in presence of, and under the authority of whom, the contract is also required to be made and signed.

In the course of the inquiries which were made by my colleagues and myself, it was found that in many instances the terms of these contracts were adjusted by the clerks of the landdrost and the fiscal, and that in others their authority and

names appeared to have been used as contracts that were made in their own favour; the rate of wages was found to vary, both in substance and amount, and it was stated by one of the missionaries at Bethelsdorp, and confirmed by other persons in the neighbourhood of Uitenhage, that the Hottentots are much influenced in the question of wages by the character of the masters with whom they serve, as well as the mode in which their wages are to be paid. They are found to prefer the service of the Cape boors to that of the English settlers, who pay them better wages than the former, but exact more labour.

The rate of wages at Cape Town, as stated in the Return from the office of the fiscal for the year 1824, exceeds that in the districts of Uitenhage, Graaff Reynet, and Worcester; and the terms vary from 100 rixdollars (£7 10s. sterling) per annum, with food, to food and clothing alone; 60 rixdollars (£4 10s. sterling) per annum, and food, being the ordinary rate for a male Hottentot at Uitenhage. The usual rate of wages that appear in the landdrost's book is 30 rixdollars (£2 5s. sterling) per annum; and the hire of the females by the year rarely exceeds the value of their clothing. In this district also the usual wages frequently consist of an ox, or a cow and calf, which are allowed to graze with the cattle of the farmer, and in this manner the Hottentots have in some instances been able to accumulate and to preserve the earnings of their labour. In the district of Graaff Reynet the rate of wages is lower than in the others, a circumstance which is attributable to the facility with which the farmers have been able to procure the services of the Bushmen.

By the 7th and 8th clauses of the proclamation it is provided that the nature and value of all supplies for clothing and other necessaries, made during the term of contract, should be noted by the veld cornet of the district in which the Hottentot is serving, in failure of which they are to be disallowed; and by a subsequent clause it is directed that no claim of debt by the masters for such supplies shall prevent the Hottentot from leaving the master's service, but the right of recovering it by legal process is reserved to him. By another clause it is enacted that no wine nor spirituous liquors should be allowed in the accounts between the Hottentots and their masters.

These enactments were introduced for the purpose of checking the abuses which had prevailed; and as far as regarded the expression of the terms of service, they were attended with benefit: but the same regularity had not been observed in the noting of the advances made by the farmers, and it is stated by one of the veld cornets of Uitenhage that this was a frequent subject of complaint and dispute; and instead of detaining Hottentots in the service of their masters for payment of debts, he frequently gave them a pass for a few days, to enable them to procure the means of discharging it. The circumstances of a complaint that was submitted to the Commission at Graham's Town show the facility with which the objects of the proclamation may be evaded, and the consent of the Hottentot to enter into a contract converted to his prejudice.

The detention of the wives and children of the Hottentots as security for the debts of their husbands is prohibited by the 10th clause, and from the language of this and other clauses of the proclamation, an anxiety is evinced to afford to the Hottentots opportunities of entering into new engagements, unembarrassed by ambiguous or illegal claims arising out of those that had expired. There is reason, however, to doubt the full and impartial execution of those enactments; but it should be added, that during the residence of the Commissioners at Uitenhage and at Graham's Town, two cases occurred in which a veld commandant and a veld cornet were sentenced to pay fines of one hundred rixdollars each, for the detention of Hottentots and their property beyond the term of contract. From the shortness of the terms for which the majority of the engagements are made, (one year and under), it may be supposed that the facility of entering into others was actually enjoyed by them, and it is therefore necessary to explain the practical effect of that clause in the proclamation, in which it declared that a Hottentot is at liberty, after the expiration of his term of service, "to leave his master, and, taking with him his wife and children and property, to enter into another, under a penalty of one hundred rixdollars to the master who prohibits him, or to act in any other manner that the laws of the colony admit." Upon leaving their place of service, the Hottentots repaired to the veld cornet of their district, from

whom they received passes and directions to find a master, but which were only valid within the veld cornetcy, and subject to the discretion of the same officer as to time. If they wished to go beyond these limits, application was required to be made to the landdrost for his permission. In the exercise of this discretion, neither the landdrost nor the veld cornet are subject to any control, and from the evidence that was collected at Uitenhage, a district in which the Hottentots are very numerous, it appeared that the period allowed in the passes varied from three to six or eight days, and that in several, which had been given by the landdrost himself, the Hottentots were required to find masters immediately. Considering the dispersed state of the inhabitants of the colony, this limitation has been attended with disadvantage to the Hottentots, and it is not unfair to presume that the veld cornets and landdrosts have been disposed generally to abridge the period as well as the distance to which their permissions have extended, with a view to the monopoly of labour in their respective districts. The result of these regulations has been that of creating a perpetual obligation in the Hottentots to enter into service; for although it was declared that, at the expiration of his engagement, a Hottentot was free to make another, or to act in any other manner that the laws of the colony admitted, yet in the event of his not making a new engagement, he was liable to be apprehended as a vagrant, at the expiration of the time mentioned in his pass, thrown into gaol, and a master provided for him, who either advanced or became responsible for the expenses of detention. The keepers of the different gaols, who were allowed to have an interest in victualling the prisoners, and also a power of apprehending vagrants in the towns, were not remiss in this part of their duty, and there is no doubt that the contracts made with the Hottentots under the circumstances just described were very disadvantageous to them. Although this practice was observed with regard to Hottentots apprehended as vagrants, yet it was found that the landdrosts, on some occasions, had endeavoured to prevent their incarceration, by hiring them for short periods to inhabitants of the towns.

This being the practical effect of the proclamation of 1809, it has frequently become a question, what condition of life or

what employment was contemplated by the framers of it when they declared that the Hottentots were free "to act in any other manner that the laws of the colony admitted." Those who have had to administer this law have complained of being left in ignorance of its meaning, and have subjected the Hottentots either to arbitrary restraint, or entirely negatived their right to act or to be considered as free persons. It seems to have been the wish of the local government, as expressed by the Colonial Secretary in his correspondence with the landdrost of Uitenhage in the year 1822, to adopt such regulations, in regard to the Hottentots, as should tend to remove any just cause of complaint from the superintendent of the missions, without relaxing, in too great a degree, the restraint which must of necessity be imposed on a class of men not yet sufficiently acquainted with the nature of the social compact to be placed entirely on a footing with the European members of the community.

Whatever may have been the ulterior views of Government, the system then acted upon has been unceasingly pursued, but in some districts with more severity than in others, and with the exception of the individuals of the Hottentot class who have found asylums in the missionary institutions, or who have served in the Cape corps, the great majority have remained in a state of servitude to the white inhabitants of the colony. In reporting upon the civil and criminal laws, my colleagues and myself had occasion to notice the insufficient protection which the proclamation of 1809 had afforded to the Hottentots against the undue severity of their masters, as well as the feelings which had prevailed in the provincial and colonial courts whenever the claims of the Hottentot servants to indemnity were balanced against the oppressive authority of the masters. We had also to notice the increasing frequency of the crimes committed by the Hottentots, and the prevalence of feelings in the higher classes of the agricultural population which precluded any expectation of their consent to relax the system by which the condition of the Hottentots might be ameliorated.

It may be necessary to add a few particulars respecting the nature of their service. They are generally employed by the farmers at the Cape in herding cattle, and in driving waggons ;

and as from the nature of the country these occupations are essential to the success of all agricultural operations, the services of the Hottentots acquire a value which possibly might not be attributed to them elsewhere. They are also employed in the lighter operations of tillage; and, although they are not found to want intelligence and address, their physical strength, habits and constitution, do not qualify them for the heavier description of work. The mode of life to which they are habituated in the service of the Cape farmers is not calculated to favour the development of their bodily or mental powers. The work of the Hottentot servants is simple and uniform, and, except when they are engaged in the performance of long journeys, is not severe. They rarely inhabit the dwelling-house of the farmer, but are crowded in miserable huts by themselves, where they indulge in the pernicious and filthy habits of their natural state. Although capable of bearing the severest privation of food, and undergoing much bodily fatigue, at the same time they eat to excess, and are easily tempted and much inclined to indulge in the use of spirituous liquors. In his natural disposition the Hottentot is mild, placable, and ingenuous, hospitable, lavish of his present stores, and careless in making provision for the future; although fond of changing their place of residence for slight pretexts, some instances were brought to our notice in which Hottentot servants had remained in the same service without contracts, and were much trusted by their employers. Their services in the Cape corps have attested, during a long and eventful period, their fidelity and courage, as well as their capacity for the peculiar species of warfare in which the troops on the frontier have been engaged. They are not capable of wielding the heavy arms of the European soldier, but they are dexterous in the use of light carbines. Although circumstances had led to a temporary junction of the Hottentots with the Caffres during the invasion of the colony in the years which preceded its restoration to the Dutch, yet since that time they have not only afforded many signal proofs of dauntless courage in opposing the Caffres, but have been generally disposed to unite with the colonists in measures of partial or general hostility. The services of the Bushmen have been confined to the farmers of the district of Graaff

Reynet and Clanwilliam, and of those tracts which have been progressively occupied in a north-westerly direction. Their occupations are nearly confined to those of herding sheep and cattle, for which they rarely receive any other remuneration than their food and blankets. They are not made subject to permanent engagements with the farmers, and frequently leave them to rejoin their countrymen, and return when pressed by the difficulty of obtaining food, or by the desire of revisiting and claiming their children, who, under a proclamation of 1819, are allowed to be apprenticed to the farmers. Although several of these have become sensible of the expediency as well as the necessity of adopting a more conciliatory and humane treatment of the Bushmen, yet lamentable instances occur in which that eager spirit of destruction by which the earlier expeditions of the farmers were distinguished, is still displayed. The details of these transactions will be found in the Appendix.

The proclamation of 1809 was followed by two others, dated in 1812 and 1819, the first of which regulated the apprenticeship of Hottentot children from the age of eight years to eighteen, who had been born during the service of their parents as well antecedent to the date of the proclamation as subsequent to it, and who had been maintained by the farmers or inhabitants with whom their parents had served, and in the event of the farmer's refusal, or of his not being a person of humanity, and one upon whom strict reliance for the good treatment of the apprentice might be placed, the landdrosts were authorized to bind the Hottentot children as apprentices to such other humane persons within their districts as they might think fit for the period of eight years.

Duplicate indentures were required to be signed by the landdrost and the party to whom the apprentice was bound, one of which was kept in the office of the drostdy; and, with a view to afford a check upon claims to the apprenticeship of children, every inhabitant was bound, under a penalty of 50 rixdollars, to give the earliest notice of the birth of a Hottentot child upon his estate to the veld cornet of his division. Other clauses prescribed annual returns of the number of births and deaths of Hottentot children, and of those apprenticed, to be made by the landdrosts of each district to the

local government. The apparent object of this proclamation was to give permanency to the residence of Hottentot children with the farmers after the former had attained an age at which their services could be useful, and to afford an opportunity of receiving instruction.

The principle was extended by a proclamation of later date, 9th July 1819, to the children of Hottentots or others "who should be left in infancy without provision upon the death or other accident happening to their mothers during a period of service, or who should from other causes be deprived of legal protection"; and authority was given to the landdrosts to apprentice such infants to Christian inhabitants of known and acknowledged humane disposition and good character, until they came to the age of 18 years; and, if females, to that age, or the time of marriage. From the general demand for labour that has existed at the Cape, and from the habits which seem to have prevailed at an early period among the Dutch settlers of detaining the children of the Hottentots, there has been no reluctance in the former to avail themselves of the opportunities which these laws, especially the last, have afforded of increasing the number of unpaid labourers on their estates. From the returns made by the landdrosts of the Hottentots born and apprenticed under the authority of both these proclamations, from the year 1812 to 1823, it appears, that with the exception of the districts of Stellenbosch and Worcester, for which no returns of births were made, and of Graaff Reynet until the year 1821, 3,933 male and female Hottentots have been born during that period, and of these 2,295 have been apprenticed.

The forms of the indentures were printed and furnished by the Government to the landdrosts, and after mention of the age of the children and their birth or arrival at the residence of the master eight years previous to the period of contract, they contain a declaration of the terms of mutual obligation, by which the master covenants to instruct his apprentice in agriculture or other useful employment, to find and allow him sufficient food and clothing, and to instruct or cause him to be instructed in the principles of the Christian religion, and the apprentice to serve his master with diligence. The latter also declares that he will not treat his apprentice with any hard-

ship or severity, under pain of forfeiting the benefit of the indenture or incurring other penalties of the law, and that he will not assign it to any other person without the consent of the landdrost. The terms of the indentures under which infants and unprotected children are apprenticed contain nearly similar obligations.

In framing the proclamation of 1812, it was no doubt considered equitable that a farmer or inhabitant who had supported the children of the Hottentot servants upon his estate until their eighth year should be entitled to their services for the next ten years without wages, as compensation for the expense and trouble that he incurred. This expense in the country is very inconsiderable, and is not only reduced by the subsistence which the parents of the Hottentot children derived from the produce of their own cattle herded upon the estate of the master, but is in some measure repaid by the various services which a Hottentot child, even at an early age, is found capable of rendering to a Cape farmer. If the terms of the indentures of apprenticeship had been generally fulfilled by this class of persons, some improvement might have been reasonably expected in the condition of the Hottentot children committed to their care. But it is necessary to state that the Cape farmers, and the inhabitants generally, had participated in the objections which were felt by the Batavian authorities in the year 1804-5 to give instruction to the Hottentots, and have been led to regard them as incapable of benefiting by it. With the exception of a few individuals, who from the influence of good feelings and reflection became sensible of the evils arising from the debasement of the Hottentot character, and endeavoured by kindness and good treatment to secure their attachment, and even permitted them to join in their domestic devotion, the inhabitants of the Cape may be considered to have been averse to their receiving moral or religious instruction of any kind. This feeling in the farmers might be attributable to the difficulties in which they themselves were placed; but it also prevailed amongst the inhabitants of the towns and villages where opportunities of instruction occasionally presented themselves.

It has been already stated that the claim of a farmer or inhabitant to have a Hottentot child apprenticed to him for

ten years, under the proclamation of 1812, was derived from the birth and maintenance of the child on his estate during eight years ; and that, with a view to regulate this claim, the births of all Hottentot children were required to be reported to the veld cornets, and by them to the landdrosts. From the tenor of the answers given to an inquiry respecting the usual mode of ascertaining the ages of children, it appeared that the landdrosts were more frequently guided by certificates of the veld cornets than by reference to the original returns, and there is reason to believe that in some of the districts great negligence prevails in making them. The landdrost of Graaff Reynet has stated that none were obtained in that district until the year 1821 ; and the landdrost of another district was not able to say by what means the ages of the apprentices were ascertained. In the course of our inquiry we also observed that the landdrosts were disposed to relax the necessary conditions of birth and eight years maintenance, and to consider that maintenance of a child from its years of infancy was sufficient. They frequently also supported the master's pretensions to the services of Hottentot children on very slight grounds, extending the application of the powers with which the proclamation of 1819 invested them in the case of unprotected children, to such as required no protection. An instance of this exercise of power by the landdrost of Uitenhage having been brought to our notice by the superintendent of the missions of the London Missionary Society, we took an opportunity of investigating it during our visit. We found that an inhabitant of Uitenhage, then a mechanic, had purchased a slave in the year 1812, who had lived with a Hottentot woman, and had six children by her ; the price of the slave being so inconsiderable as to excite a suspicion that the purchaser had another view than that of obtaining the services of the slave. He applied at the same time to the landdrost of Uitenhage to apprentice to him the two eldest children, which the landdrost refused ; and in his answer to the inquiry which had been addressed to him by the Commissioner, he alleges no reason for the refusal, but merely states " that it might be conceived that neither the seller of the slave nor the purchaser had a claim to the services of such children as were then of age to be apprenticed." The two eldest were then apprenticed

to two inhabitants of the district, and it is believed with the consent of the mother, who frequently resorted to the estate of one of them. It appears that the mother was possessed of cattle, and as her husband's master would not allow her to remain with him upon his estate she was compelled to find pasturage for them elsewhere, and to live upon their produce. In the year 1818, the master of this slave, who had then become a heemraad (member of the provincial council) again applied to the landdrost, and succeeded in obtaining the apprenticeship of two of the children who were of the proper age, and the landdrost alleges that he then made a memorandum of the claim of the master to the apprenticeship of the two remaining children when they should be of age. When application was made to him for that purpose in 1820, the names of the former two children were included, as the landdrost alleges, by mistake, in the new indenture, and their ages made to correspond with the years that had intervened between the dates of the two indentures. The landdrost acknowledges that all this was done against the consent of the mother of the children; and he was also informed by the individual to whom the eldest had been apprenticed, that none of the children were supported by the master. The Commissioners having also noticed in the indenture the recital of the condition required by the proclamation of 1812, that the children had been born upon the estate of the master, and its glaring contradiction with the fact, the landdrost stated in reply, that it was not usual to erase these words from the printed forms of indentures, even in instances in which they were inapplicable. The mother of the children finding that her remonstrances against their apprenticeship to the master of her husband were ineffectual, applied to the individual with whom her eldest son was living, who, with a view to her protection, hired her and her two youngest children for a year. The master then claimed one of the children as his apprentice, and obtained an order for his delivery; but finding that his claim was resolutely opposed by the individual before mentioned, he relinquished it as far as regarded the two youngest children. It is clear that the only equitable claim which the master could have had for the apprenticeship of these children was that which he might have derived from supporting them

from their infancy to eight years, but upon inquiry it was found that this support was not given, and that their father, who was afflicted with a painful and distressing complaint, was much neglected by his master, and left to the care and attendance of his wife and children, who were then allowed to visit him. This cruel indifference to the life of his slave, the father of the children whose services he had been anxious to secure until their eighteenth year, was aggravated by an attempt to induce the mother to purchase her husband's freedom when his life was despaired of by the sacrifice of some of her cattle. These circumstances were made known to the landdrost, who states in his answers to the Commissioners "that he considered the complaint to have been sufficiently redressed by the abandonment which the master made of his claim to the two youngest children." The circumstances of this case very clearly attest the nature and extent of the discretionary power which the landdrosts of the Cape are disposed to exercise in the separation of the children of Hottentots from their parents, and the tendency which it has to make them deal with it as patronage to the master instead of an instrument of benefit to the children.

The employment of the Bushmen by the farmers on the northern frontier of the colony has already been noticed ; and as it was found that the same causes which brought the parents to submit to service, induced them frequently to leave their children with the farmers, whose good treatment they had experienced, it was considered prudent to prevent the abuse to which this practice, however recommended by its humanity, had been found to expose the Bushman children ; and a proclamation was issued in 1817, in which it was declared, that no inhabitant, without the previous knowledge of the veld cornet nearest to his residence, should take, receive, or give any gratuity for a child of a Bushman, except in cases of well-grounded apprehension of death to the child, either from famine, irritation of the parents, or any other cause indicative of imminent and unavoidable danger. It was further required that, on the occurrence of such cases, every inhabitant should give notice to the veld cornet, with a description of the child and its parents, and should, if required, give bond in the penal sum of two hundred rixdollars to restore it when demanded.

Another clause of this proclamation adopts the principle of apprenticeship contained in those of the years 1812 and 1816, but assigns a much shorter period of maintenance to entitle a master to claim an apprenticeship of a Bushman child than that of a Hottentot, and as these periods depended upon the computed ages of the children, they were not susceptible of any accuracy. It appears, however, that the farmers of Graaff Reynet were not desirous of availing themselves of the opportunities thus offered of legally providing themselves with Bushman apprentices, until their attention was called to the subject by the landdrost of the district in the year 1821. The return that was made by him comprises only the year 1823 and four months of 1824; and it appears that in Graaff Reynet 191 children of Bushmen were then placed under the protection of the inhabitants, and 55 apprenticed, and that in the sub-drostdy of Cradock, 405 children of this race above the age of sixteen, and 437 under that age, were residing with the inhabitants without contract or indenture. The children of the Bushmen, when taken at an early age, are capable of becoming very useful to the farmers, and in the district of Graaff Reynet they are universally employed as leaders of the teams of oxen. The landdrost of the district felt no difficulty in acknowledging this fact, and has stated, in answer to some inquiries which were addressed to him upon the condition of the Bushmen, that "although it was impossible to maintain that these children were always well treated and decently brought up, yet he deemed it certainly preferable that they should be received by the boors to being strangled or dashed to pieces by their parents from absolute want of food, or to being left exposed to the wild beasts, occurrences which the landdrost mentions as not rare." He admitted, indeed, that during his journey to Griqua Town, in the year 1821, he had himself received two children who had been brought to his waggon by their parents in a very emaciated state, and that he had afterwards apprenticed them in the colony. A similar account was given of the eagerness of the farmers in another part of the frontier (the Under Bokkeveld) to obtain the children of Bushmen when they were young, and that they were found both faithful and useful.

Notwithstanding the opinion which has just been quoted of

the comparative benefit which the children of the Bushmen derived from the system of apprenticeship, it would be unjust to the landdrost of Graaff Reynet to omit the explanation which he afforded upon the unreasonableness and evil tendency of the same system when applied to the Hottentots. He denies that "the farmer has any claim at all on the services of a Hottentot child who has been with him, together with its parents, during the first eight years of its existence, as he conceives it to be clear that, by the low wages the Hottentots have hitherto received, the trifling quantity of food their children may require is always taken into calculation in fixing their wages, so that unless the children are apprenticed with a view to afford them a better education than their parents are supposed capable of giving, the measure stands without any argument in its favour." The landdrost also justly remarks upon the tendency of the laws of apprenticeship of Hottentot and Bushman children to perpetuate the bondage of their parents in the same service, by making the natural affection which they are known to cherish for their children a motive for continuing it even on very hard terms, and by preventing the children from affording assistance to their parents when the latter are disposed to make exertions for their independent support.

Having thus explained the nature of the laws by which the civil condition of the Hottentots and Bushmen has been regulated, I proceed to give an account of the missionary institutions which have been established within the colony, and to notice the complaints which the superintendent of the London Missionary Society has addressed to the home and local government.

It appears that the first missionary institution in South Africa was established by the church of the Moravian Brethren, in the year 1737. The exertions of the missionary whom they selected were attended with great success, and such a capacity for instruction had been manifested by the Hottentots who repaired to the residence chosen by the missionary at one of their ancient kraals, now called Genadendal, in the district of Swellendam, that the jealousy of the neighbouring colonists was excited, and they commenced a system of vexation and opposition to the missionary, which compelled him, after a

residence of six years in the colony, to retire to Europe. It was not till the year 1792 that the Dutch East India Company was induced to renew its permission to the Moravian church to send out missionaries to the Cape, who on their arrival re-established their mission at Genadendal; here they again encountered much opposition from the colonists, and were compelled, during a rebellion in 1795, to take refuge in Cape Town, where they received protection from the governor, and afterwards from General Craig, the Commandant of the British Forces, which not only enabled them to resume their labours, but effectually to oppose the hostility and evil designs of the inhabitants; they met with the same support from the Batavian government in 1803; and soon after the restoration of British authority they were invited by the Earl of Caledon to take possession of one of the government farms at Groene Kloof, and to establish a mission there for the reception and instruction of Hottentots. In the year 1816 the land was surveyed by order of the Government, and the missionaries were permitted to build a church; an additional quantity of land was ordered to be appropriated to Genadendal, and the sanction of Government was further given to the appropriation of a tract of land situated upon the White River, in the district of Uitenhage, to which the society added a farm by purchase, and gave the settlement the name of Enon. Soon after its commencement it was attacked by the Caffres in 1819, and several of the Hottentots were killed. Upon the expulsion of the former, the settlement was re-occupied, and several buildings have been since erected in it, both for the use of the missionaries and the Hottentots. From a Return made by the superintendent of the Moravian missions at the end of the year 1823, there were at the institution of Genadendal 1,403 individuals, of whom upwards of 600 were children, and 1,213 were baptized; at Groene Kloof 400, of whom 285 were baptized; at Enon 227, of whom 146 were baptized; and 100 at the leper hospital at Hemel and Aarde, the care and superintendence of which had been undertaken, at the request of Governor Lord Charles Somerset, by one of the brethren and his wife. A considerable reduction was expected in the number of Hottentots at the institution of Genadendal at the expiration of one year's absence, when, if they do not

appear, their names are struck out of the list. The three stations of the Moravian missionaries enjoy one great local advantage, of being well supplied with water; and at Genadendal and Enon watermills have been erected, by which the inhabitants of the neighbouring country have been benefited. The lands adjoining the establishment are not fertile, and like most other tracts of land at the Cape, require the aid of irrigation; the gardens at Genadendal enjoy that advantage, and are very productive. At each of these stations there are very good residences for the missionaries, chapels and school-houses; and at Genadendal there is a house appropriated to the use of strangers. At this station, and at Enon, there are smiths' forges, shops for carpenters, wheelwrights and coarse cutlery. The houses of the Hottentots are built of clay and wattled sticks, and covered with thatch; but they appeared to be low, small, and inconvenient. Those of the establishment of Enon were built on a better plan, and with more attention to comfort and regularity than either at Genadendal or Groene Kloof. From the numbers of Hottentots who have resorted to Genadendal, and carried with them their sheep and cattle, the extent of pasturage, notwithstanding the addition made to it by the Government, has been found insufficient; and it was contemplated by the missionaries to purchase some land in another part of the district. It is to be observed, that no grant of land, at any of the stations, has yet been made. That at Genadendal is held under a permission given in pursuance of certain resolutions of the Governor in Council, in the year 1792, to the missionaries, to proceed to Baviaan's Kloof, (the ancient name of Genadendal), and to settle there in order to preach the Gospel to the Hottentots, and to instruct them; promising at the same time, that they should be in nowise molested in their place of residence. Since that period the lands of Genadendal have been regularly measured, at a considerable expense to the society; and by Lord Bathurst's directions, signified to Governor Sir J. Cradock, in the month of December 1813, the latter was instructed "to place the missionary establishment in such possession of the grants of land as might secure them from ejectment or disturbance in future." No regular grant, however, has yet been made of any of the lands assigned to the society, either

previous or subsequently to 1813. The Hottentots of the Moravian Institution are not subject to any system of coercive labour; and they are not prevented from working with the farmers, even when their labour may be required by the missionaries.

By the evidence of the Hottentots, whom we had an opportunity of examining at some distance from the mission, it appears that the common labourers receive from 5 to 6 skillings, (equal to 14*d.* sterling); masons and mechanics, as much as 1*s.* 9*d.*, and 4*s.* 6*d.* per diem, when employed by the missionaries. All the Moravian Brethren pursue some branch of mechanical or agricultural industry, the profits of which are carried to the account of the society. By these occupations, they have succeeded in inducing several Hottentots to follow their example, who have now become good mechanics, and who find employment amongst the neighbouring farmers. The common labourers are also much in demand in the district, especially during the harvest. Notwithstanding these advantages, the missionaries observed, that in their dealings with the farmers, the Hottentots, from ignorance of the value of money, and from habitual carelessness and indifference, entered into agreements that secured no adequate remuneration for their labour, and were also in the habit of receiving from the farmers articles of no intrinsic value, but charged at a high price. They therefore established a magazine at Genadendal, where they retail at reasonable prices articles of clothing and other necessities; and they recommended the Hottentots to stipulate for payment of their wages in money or corn. With a view also to lessen the temptation of receiving wine or spirits from the farmers, and of securing stock of better quality for the consumption of the Hottentots at the station, the missionaries commenced the plantation of a vineyard at Genadenda^l, from the produce of which they are enabled to supply wine to their labourers, according to the usual practice of the country, and to sell it to them in reasonable quantities at the few festivals which they celebrate in the year. Transactions of this kind, however beneficial to the Hottentots, as they are admitted to be, could not be expected to take place without exciting the jealousy and suspicions of the farmers, whose interest, as employers, suppliers or payers of wages to the

Hottentots, were equally affected by the advice as well as by the practice of the missionaries.

Upon a complaint that was made by a respectable and rather opulent farmer in the neighbourhood, we found that the charges of making undue profit on the sale of goods, and of selling or distributing improper quantities of liquor, were disproved, and that the candid explanation afforded by the intelligent and active superintendent of the Moravian missions was amply confirmed.

Of the improvement that had been made by the Hottentots at the Moravian missions, or of their acquirements, we had few opportunities of forming any judgment. When assembled in the churches for Divine service, some appeared to be devout, and all were attentive. Their appearance denoted poverty, which was attributed to the successive failure of two years' harvests; and the interior of their dwellings exhibited few marks of attention to order and cleanliness. The children attend the schools, and are taught to read and write; the girls are instructed in needlework, in which they excel; but it was stated by the missionaries that they experienced some difficulty in obtaining a regular attendance, on account of the claims of the Hottentot parents to the services of their children even at an early age.

For the purpose of maintaining order in the Moravian villages, overseers are appointed, who, in conjunction with the older members of the society, take cognizance of offences against its rules, and award punishment, which consists either of stripes upon the back with a rod of quince, and in cases of repeated and wilful disregard of the advice and admonitions of the missionaries, expulsion is decreed, with a permission to dispose of any property or growing crop which the offending party may possess. Compensation for damage done to the houses and gardens is adjusted by a valuation made upon the spot, and in case of dispute upon this or other points, reference is first made to the missionaries, who rarely fail in making a satisfactory adjustment.

The propensity of the Hottentots to the use of spirituous liquors forms the great obstacle to their moral improvement; and their frequent absence from the missionary stations, occasioned by their service with the farmers, especially at the

station of Groene Kloof, exposes them to temptation which few of them are able to resist, and confirms them in habits which it is found very difficult to counteract. It would be unfair therefore to form an estimate of the success of the Moravian, or indeed other missions, by the habits of the Hottentots, when placed beyond the reach of the influence and admonition of the missionaries; but if the records of the provincial court of Swellendam may be taken as a test of the conduct of the inhabitants of Genadendal, the return of offences committed by them within the district during four years is highly favourable, for they do not exceed seven; and, with one exception, consist of cattle stealing and theft. Upon visiting the Moravian mission, we found the Hottentots duly impressed with a sense of the benefit which they had derived from the pious instructions of the brethren, and with strong feelings of respect for their characters; nor did we find that those impressions had been impaired by the example of deference which the Moravian missionaries have uniformly shown to the wishes and measures of the Government. From the superintendent, as well as from the brethren, we received frequent testimonies of the liberality and favour with which they have been treated; and while they were disposed to attribute to political causes the obstacles which certain measures of the colonial government opposed to the amelioration of the state of the Hottentot population, they silently and respectfully awaited the period of their removal.

The Hottentot station, called the Zuurbrak or Caledon Institution, in the district of Swellendam, was composed of several Hottentots who had long resided upon some adjoining lands, and of a few others from a kraal upon the Slange River; their good conduct and condition had attracted the favourable notice of the Earl of Caledon in the year 1809, and by his direction, and under the guidance of their captain, they were permitted to occupy the lands at Zuurbrak, which have the advantage of being watered by a copious stream. Shortly afterwards, an application was made to the Government by a missionary who had been sent from Europe by one of the Dutch missionary societies, and a native of Germany, to proceed to the Zuurbrak for the purpose of instructing the heathen; the application being granted, this individual pro-

ceeded to the station, where he was assisted by the Hottentots in building a residence. In the course of time he was taken into the service of the London Missionary Society, and my colleague and myself were informed soon after our arrival at Cape Town, by the superintendent of the society's missions, that the conduct of their missionary had been a subject of serious complaint and long investigation, but that nothing had hitherto resulted from it. From a perusal of the voluminous documents which were communicated by the colonial secretary, we found, in a memorial presented to the acting governor Sir R. Donkin, by Dr. Philip, one of the deputies of the London Missionary Society, who had then recently visited the Zuurbrak, "that the missionary, under the pretence of teaching the principles and duties of the Christian religion to the Hottentots, had goaded them to distraction with his tyranny, fleeced them of their property, and reduced them to poverty." These representations, with others charging the missionary with gross immorality, had been the subject of inquiry by members of the deputation, and had been afterwards referred by the acting governor to the investigation of the landdrost and heemraden of the district, with an understanding that the present superintendent, then one of the deputies, should be allowed to attend. For reasons which do not appear to have been sufficiently explained, the investigation did not take place on the day appointed; and the member of the deputation left the place after waiting several days, and appointing another member to act for him.

After a tedious investigation at the town of Swellendam, and the examination of a great number of witnesses who had been collected there, the proceedings were transmitted to the office of the colonial secretary at Cape Town, and it appears that in the month of January 1821 they were referred to the consideration of His Majesty's fiscal, who, in September of the same year, reported, as his opinion, "that not one of the numerous complaints brought against the missionary at Zuurbrak was capable of being so substantiated as to ground a criminal prosecution thereon."

As some doubts were expressed by the Superintendent of the London Missionary Society respecting the manner in which the inquiry at Swellendam had been conducted, a letter was

addressed to the gentleman who had attended at his request, and who has stated in reply, "that the mode of interrogation was highly judicial and orderly; but he remarked that the Hottentots did not seem to understand it. On being cross-examined, sometimes even three or four times, both parties seemed to get embarrassed, and often contradicted what they had said. Upon his remarking this to the landdrost and the secretary, they replied that there was no other way of getting at the truth, especially as there was reason to fear that one or both parties had been more or less instructed what evidence they were to give." The writer further states, that he had been informed by several of the Hottentots of the threats and promises that had been made use of by the missionary to induce them to recall the evidence which they had given in presence of the deputation, and that in some instances this course had been successful, but that in others it had failed, and the witnesses stood firm.

During the visit of my colleague and myself to the Caledon Institution, at the end of the year 1823, complaints were made to us by the captain and several Hottentots of the missionary Seidenfaden, of the injurious consequences of the removal of their gardens, and the frequent trespasses of his cattle, for which they had obtained no redress. We found that the missionary, in choosing the situation for his own residence and garden, had appropriated the best land to his own use, leaving a portion to be occupied by the Hottentots, which, by irrigation, might be made productive. For this purpose they were induced to assist in the construction of an aqueduct; but as they continued to suffer from the repeated trespasses of the missionary's cattle, they were persuaded to re-construct their houses upon the declivity of a barren hill contiguous to the site which they had at first taken. Under the pretext of obtaining protection to the Hottentots, the missionary, upon his own representation alone, had obtained from the landdrost and heemraden of Swellendam an alteration in the line of the public road which had traversed the village, and then took an inconvenient and dangerous course along the bank of the river. The direction which was given to the new road was represented to be equally objectionable for waggons, as it led over several steep and strong ranges of hills. When this operation had

been effected, the missionary had caused a deep ditch to cross the line of the old road, under the pretext of leading water from the aqueduct to the new position which the Hottentots had taken, but which it could never reach. We found that by all these arrangements the interest of the public and the prosperity of the Hottentots had been sacrificed to that of the missionary, and that the slight redress which they had obtained for trespasses upon their cultivated grounds was effected by tedious and repeated applications to the landdrost of the district. Their appearance and the state of their houses manifested poverty and discouragement; and, although the situation possesses great local advantages, it was evident that no attempt would be made to improve them as long as the person to whom the Hottentots gave the name of "Teacher" was contending for the exclusive possession of them, and taxing their industry for his own benefit. He seems, indeed, to have considered his occupation of the house and land at Zuurbrak more in the light of a profitable speculation than of an opportunity of dispensing the benefits of Christian instruction to a heathen community; for, in the year 1819 he applied to the colonial government for a confirmation of his possession, which met with a decided refusal. As the colonial government did not deem it expedient to concede to the superintendent of the London Missionary Society the right of nominating a new missionary in the room of Seidenfaden, an offer was made to the superintendent of the Moravian Mission to appoint one of the members of that society, which was declined; and after much delay, Mr. Seidenfaden was ordered to withdraw from the Caledon Institution, upon receiving the estimated value of the buildings he had constructed; and the Hottentots were placed under the charge of the neighbouring veld cornet. This delay has been attended with injury to the Hottentots; and although the evidence which had been collected upon the tyrannical and oppressive conduct of the missionary Seidenfaden was not such as to warrant a criminal proceeding against him, yet there was abundance of moral proof of his unfitness for the station to which the Government had appointed him, which would have justified his early removal. In consequence of a report, which reached the Commissioners in 1825, of

some designs of the neighbouring farmers to appropriate to themselves some of the lands of the Institution, a letter was addressed to the landdrost of Swellendam, who stated in reply that an application had been made for the lands of the Institution, and that no encouragement had been given to a belief that they were to be appropriated to any other than their present use.

It would indeed have been unfortunate if, at a period in which the want of land for the use of the Hottentots was so much felt, any design had been entertained by the colonial government of removing them from a place which, under the direction of any man of ordinary prudence, was well calculated to promote the benevolent views of the Founder of the Caledon Institution, and to afford an asylum for the Hottentots. From the returns made of the numbers in 1823, it appears that there were 104 men, 115 women, and 170 children; and in the year 1825 these numbers had been reduced to one half, and the buildings were in a ruinous condition.

The village of Pacaltsdorp (formerly called Hooge kraal), was an ancient Hottentot kraal, and lies between the town of George and the seacoast. The first missionary who had resided and instructed the Hottentots was the Rev. Mr. Pacalt, whose name the village now very justly bears, as it was to his zeal and meritorious character and conduct that the few inhabitants who then were assembled in the village have been able to raise themselves from a state of poverty and degradation to one of comparative comfort and respectability.

The village is well laid out, and in 1823 contained 40 dwellings, with a garden attached; and notwithstanding the poverty of the people, in consequence of late failures in the crops, some of them were substantial. One of the Hottentots, a carpenter, had built and furnished a very good house, and maintained a large family in a creditable manner. There were 52 male inhabitants at the Institution, of whom 14 were aged and infirm; 47 women, of whom 19 were aged and infirm; and 126 children of both sexes, of whom 50 to 60 attended the school. The appearance of these people was respectable, but indicated great poverty, from which they had received a partial relief in materials for clothing, furnished by the directors of the London Missionary Society, made up by

themselves. They held in veneration the character of their first teacher, the Rev. Mr. Pacalt, a feeling which was general in the district, and expressed great respect for Mr. Anderson, the missionary who then resided with them.

Complaints were made of the system of apprenticing children, and of encroachments upon their lands by some of the neighbouring farmers, as well as of a practice, in which several of them had persisted, of resorting to a sand-hill within the limits of the village, and by a careless removal of the surface occasioning accumulations of drift-sand in the gardens during the prevalence of south-east winds. We felt more surprised that these complaints should have existed under the administration of a gentleman and native of the colony, who was distinguished for the protection which the Hottentots had generally received at his hands, and in which he had followed the example of his immediate predecessor.

The origin of the missionary institution at Bethelsdorp has already been mentioned. The contiguity of the place to Fort Frederick in Algoa Bay, which was then a military post, seems to have been the primary motive for the selection ; but the sterility of the soil and want of water formed such a decisive objection to it as a permanent abode for the Hottentots, that Dr. Van der Kemp, under whose conduct they had removed from Uitenhage, made several attempts to procure a tract of land more suitable to his views. Being disappointed in this attempt, and dissatisfied with the manner in which it had been met, he remained at Bethelsdorp. At this period the state of feeling between the farmers and the Hottentots was very unfavourable to any scheme of withdrawing the latter from their service ; while on the other hand, the Hottentots, who with the Caffres had just inflicted upon them a severe revenge for their former oppressions, had reason to apprehend from the farmers a full retaliation, if they again became subject to their power. The Caffres moreover had not yet been expelled from the district ; and it has been stated, by several witnesses, that the country about Uitenhage continued for some time to be infested by them.

The report of Major Collins, who was charged by the Colonial Government with an inquiry into the state of the frontier districts in the year 1809, states, that he had been

informed by Dr. Van der Kemp, that amongst the inhabitants of the Institution at Bethelsdorp there were several connections of the Caffres, and it was principally upon an apprehension of the danger which might ensue from such connexions that he founded his recommendation to government for the removal, or rather for the abolition of this station. Other reasons are stated in his report in confirmation of the advice which he offered.

After describing the miserable aspect and condition of the village, the sterility of the land, and the unwholesomeness of the water, he observed that there was no indication of any attempt to cultivate or to introduce any mechanical art, no change of habit or external appearance in the Hottentots, but that their whole time seemed to have been devoted, and with some success, to reading and writing. Out of 600 persons then residing in Bethelsdorp, there were only 66 baptized, and only 43 exercising any useful employment. He further represented that the farmers in the neighbouring districts suffered great inconvenience from the resort which the Institution at Bethelsdorp offered to the Hottentots, who left their service on the slightest pretext to join it, and that the rules laid down by the Dutch Commissioner De Mist, and Governor Janssens, for receiving the Hottentots, had been neglected or disobeyed. Major Collins concluded "that he was unable to perceive that the effects produced by the zealous and unremitting labours of Dr. Van der Kemp and his brethren, during seven years, were such as to promise great benefits from a continuance of the institution, even to the members, and he therefore proposed that the institutions for the instruction of the Hottentots should be limited to those already established by the Moravians, and that workhouses should be erected there, and at each drostdy, for the support of the helpless Hottentots, and for the education and maintenance of the orphans and abandoned children of that nation." The local government did not adopt this recommendation, and Dr. Van der Kemp remained at Bethelsdorp for some years, but without being able to effect any improvement in its condition, while at the same time he had to contend with the jealousies and opposition of the farmers, which were rather encouraged than checked by the provincial magistracy. Upon the death

of Dr. Van der Kemp, another missionary in the service of the same society succeeded to the direction of the station, but without producing any beneficial change in its condition. Without repeating the various obstacles arising out of the political condition of the frontier districts, which impeded the progress of this and other institutions, it seems to have been admitted by the persons who had undertaken the duty of reporting to the directors of the London Missionary Society, that the system pursued by Dr. Van der Kemp and his successors had not been calculated for the condition of the Hottentots, and that the difficult task of correcting the natural defects of their character, of making them sensible of the benefits and comforts of social existence, was not to be expected to be performed by a person who, although eminent in zeal, in learning and piety, was more devoted to abstract speculation than to the business of common life.

Not having had an opportunity of knowing the nature of any later communication, I can only infer that the excellent views which were submitted to the directors did obtain their approbation; for it certainly appears that the defects of the system at Bethelsdorp have of late years been gradually, if not effectually, removed. It remains to be seen whether the progress of this, and other missions of the same society, would not have been more rapid and certain if they had not been impeded by the political, legislative, and administrative acts of which the directors and their missionaries have so much complained.

Before I proceed to an examination of them, I will state the amount of the number of Hottentots who were returned as belonging to the institution at Bethelsdorp.

In the year 1823 the number of members amounted to 1,420, and on the 14th January 1824 the number present were 80 men, 92 women, 160 children. The members possessed at that time 59 waggons, 117 horses, 2,121 cattle, and 240 sheep and goats.

The buildings at Bethelsdorp are now more numerous, and more substantially built than those at the other missions in the colony. Besides the residence for the missionary, there is a chapel, which also serves for a school, a very large and commodious smith's forge, built of stone; an asylum for the

aged and infirm Hottentots, and a dwelling-house and shop, in which articles of clothing and utensils are retailed. Water-tanks had been sunk upon a hill above the village; and although the nature of the soil on which the village stands seems to defy cultivation, attempts have been made to form gardens upon the margin of a small and shallow rivulet, the water of which is said to be unwholesome. The missionaries do not here work as mechanics, and the smith's forge is under the direction of an English workman, to whom a few of the Hottentots are apprenticed. The children who attend the school in the week days are numerous; and the attention, quickness and intelligence which was observable in the Sunday-school, at which my colleague and myself attended, could not have been surpassed by any establishment of the same class in England.

The general appearance of the people was decent and respectable, notwithstanding the effect of the failure of the wheat crops; and their dress, for some portion of the materials of which they had been recently indebted to the liberality of the directors in England, was much superior to that of the Hottentots at the other stations.

A large portion of the members of the institution, among whom there are carpenters and masons, work with the farmers of the neighbourhood; but the most opulent amongst them derive their substance from hiring their waggons and oxen for the conveyance of goods from Port Elizabeth to Graham's Town. For two years the government contract for carriage was held by Hottentots of this institution, and punctually executed. The neighbourhood of Port Elizabeth, and its maritime population, although favourable to the increasing wealth of the Hottentots, is highly prejudicial to their morals.

The complaints of the London Missionary Society, and of their missionaries, may be classed under the following heads:—a parsimonious and illiberal distribution of land for the use of the missions; a concession of contiguous land to others which was very prejudicial to the Hottentots; a continued sanction to the forced appropriation of the labour of Hottentots to public works and expeditions in which they had no interest, and to which other classes of the labouring population were

not equally liable ; a demand for services from the missionaries highly inconsistent with their character, and interfering with their other duties ; the obstacles opposed to the admission of the Hottentots into the institutions, and the effect of the laws of contract and apprenticeship ; and, finally, the restraints imposed upon the industry of the Hottentots by one of the provincial magistrates.

Instances of the first subject of complaint may be considered to have occurred in the years 1824 and 1825, although it is necessary to add that the government has never thought fit to act upon the understanding which prevailed at the establishment of Bethelsdorp, that the mission should be removed from thence to some other and more favourable situation in the district. No place could have been selected that was more unfavourable to the industry of a numerous body of labourers than the village of Bethelsdorp. The grazing land is poor, and that which admits of being cultivated cannot be secured from the effects of drought by artificial irrigation. Much of the poverty, and also of the idleness, which has prevailed at Bethelsdorp, may be attributed to the want of fertile land, or to those opportunities of irrigation which have been described at the Moravian missions, and at that of Zuurbrak ; but if the local government had been so disposed, it might have found many opportunities of placing the Hottentots of Bethelsdorp in more advantageous situations, and might have over-ruled the attempt that was made at a late period, and under the usual recommendation of the landdrost of Uitenhage, to appropriate to an individual a small portion of contiguous land upon which the Hottentots had grazed their cattle, and obtained their supply of fuel ; this attempt was effectually defeated by an order of Earl Bathurst.

The institution at Theopolis has suffered from the same cause, and with an insensibility to the policy of Governor Sir John Cradock, who planted it, and to the courageous spirit with which the Hottentots defended it against the Caffres in the year 1819, which makes the neglect the more inexcusable. The land that was given away by the local government was, in this instance, more valuable to the Hottentots than that at Bethelsdorp, as containing a supply of water, and free communication with the sea, upon the shores of which they burnt lime, and dis-

posed of it at Graham's Town and Port Frances. The demands upon the labour of the Hottentots at the different institutions have chiefly occurred at Uitenhage and Graham's Town. They have been required to work in the repair of the high road, when the Hottentot servants and the slaves of the other inhabitants were not put under requisition; they have been ordered to work in cleansing the water-courses of these towns, a duty which ought to have been borne exclusively by the inhabitants; they have, on various occasions, been ordered to act as drivers of waggons employed in the public service, when they were possessed of waggons which might have been hired, and been driven by themselves; they were ordered to repair to the Somerset farm, conducted on account of Government, to assist in getting in the harvest, and to act as drivers and labourers in the service of the engineer department. The orders from the landdrost of Uitenhage, and from the deputy landdrost of Albany, addressed to the missionaries at Bethelsdorp and Theopolis, which were furnished by the superintendent of the missions, prove the frequency and purpose of these requisitions. It has been customary in the colony, when labourers are required to make or repair roads, to call upon the inhabitants of the district in and through which the road lies to furnish a proportion of their slaves, and overseers of the roads have been appointed, by whom this contribution is regulated. A government advertisement of Lieutenant General Baird, dated in 1806, imposed a penalty of 50 rixdollars for neglect of such requisitions, and as the slave population was unequally distributed in some of the districts, Hottentot servants have been sent on some occasions to supply their places, receiving rations but no pay. It must here be observed, that when the Hottentots in the service of the farmers are so required, their wives and families are supported in their absence; but when the men are taken from the missions, their wives and families have no support, and they are not allowed to accompany their husbands. The roads upon which the missionary complained that several Hottentots from Bethelsdorp had been employed were, in one instance, not remote, and in another within the proper limits of their district, and as, in the repair of both, the Hottentots were as much and perhaps more interested than the other farmers, the requisition for their labour did

not appear to have been unjust. The same observation, however, does not apply to the requisition for their labour by the water bailiffs of Uitenhage and Graham's Town. These persons receive salaries, and the Hottentots employed were paid the sum of 2 skillings or $4\frac{1}{2}d.$ per day by the districts, with subsistence. It has been contended by the landdrost of Uitenhage, in his answers to the several subjects of complaint, that this rate of wages greatly exceeded that of labourers under contract in the district, or of those hired by the superintendent of the smith's forge at Bethelsdorp. The observation was correct in point of fact, as it applied to contracts for six months in a year, but it was in proof that the Hottentots, when employed by the missionaries at Bethelsdorp, or by the farmers in the neighbourhood, could obtain 4 skillings or $9d.$ sterling when employed by the day, and more than that during harvest. The inequitable nature of the impost, however, appeared to my colleague and myself to form the greatest objection; the benefit to be derived from the labour was clearly local, and enabled the inhabitants of Uitenhage in particular to irrigate their gardens. They were also possessed of slaves and Hottentots, who might have been required to perform the work without calling upon those of Bethelsdorp. As the term "public works" was vaguely interpreted, we were not surprised to find that the power of commanding labour under that pretext had been abused. We found that upon one occasion, the water bailiff of Uitenhage had detained the Hottentots who had been assigned to him for the purpose of assisting him in building some walls upon his own premises in Uitenhage, and that the landdrost had employed some of those who, during the invasion of the district by the Caffres in 1819, had been required for the protection of the town of Uitenhage, in reaping his barley and in weeding his vineyard; and another party in clearing some land upon his estate at Doornkraal. Some district labourers also assisted in the former description of work; the landdrost produced a receipt for some of the men's rations from the contractor, and regretted that the payment of the others had escaped his memory. Although the evidence of the men employed on these occasions will be found to differ respecting the period and nature of their employments, yet, after the admission

made by the landdrost in reply to the statement which was laid before him, there can be no doubt of the misappropriation of their labour at a very critical period. The Hottentots at the missions, independently of the contribution of men which they have been called upon to make to the ranks of the Cape regiment, have been required to serve on commandos on the armed expeditionary force against the Caffres. This is a service to which all the inhabitants are liable, and without pay; but the Hottentots, in the year 1820, were compelled to remain in the service of the engineer department, as labourers and drivers, after the expedition had returned; and it appears that in consequence of their refusal to make permanent engagements, the commanding officer would not allow them pay, and they suffered greatly from want of clothing, which was only relieved by the humanity of the officers of engineers. Those that have been employed since that period have received seven rixdollars per month, and their rations. In a former Report we noticed the requisitions which the landdrost of Uitenhage made upon the missionary institution, for post riders, and for which service only three rixdollars per month were paid by the public, although the contractor received a certain sum for finding the means of conveying the mail-bag from one station to another. Hottentot boys are selected for the service; and as it is a severe one, and much disliked, the landdrost has recourse to the missionaries to compel or to persuade the boys at these institutions to perform it. The collections of the assessed taxes is another duty which has been imposed upon the missionaries at each institution. If the payment of these taxes were confined to those members of the institution only who are possessed of property in waggons, horses, and cattle or sheep, the principle of taxation would be equitable, and the collection might be effected with ease by those who are paid for that duty; whereas at present the tax is levied upon day labourers and their families, and the missionary is called upon to exert an influence over the Hottentots which lessens their attachment and respect to him. It has been customary to remit the taxes in favour of aged and infirm persons who are not possessed of property. The power exercised by the landdrosts in regulating the admission of Hottentots to the institutions has been derived from the

proclamation of General Janssens already noticed, which is said to have received the sanction of Governor Sir John Cradock, during his tour to the frontier districts. After having experienced some temporary relaxation at Uitenhage, it was revived by the late landdrost upon his becoming acquainted with a discovery of a fraud attempted by a farmer in the statement of the ages of two Hottentot girls, whose services he wished to secure under the name and pretext of apprenticeship. During the period of the Commissioners' visit at Uitenhage, numerous cases were brought before them of Hottentots who were desirous of repairing with their cattle and property to the institution, but had been refused by the landdrost. The grounds upon which he justified this refusal rested upon the indulgence which the resort to Bethelsdorp afforded to the natural indolence of the Hottentots, whom he states to have seen there "apparently doing nothing." The landdrost admitted at the same time that he had not seen the place for two years, and that he had learnt that a change had recently taken place in the system adopted there towards the Hottentots, which was advantageous to them: upon more than one occasion also the landdrost noticed the frequent appearance of the Hottentots of Bethelsdorp before himself when sitting alone, and before the court of landdrost and heemraden. Upon receiving the return of offences and convictions, we found that out of 45 offences brought before the landdrost and heemraden between February 1818 and April 1823, 13 were committed by Hottentots of Bethelsdorp, consisting of cattle stealing and assaults, and that 29 were brought before the landdrost during the same period, charged with theft, vagabondizing, riotous conduct and insolence to the missionary. Upon further inquiry into the conduct of the Hottentots at Bethelsdorp, from a respectable farmer who possessed an estate adjoining, it was stated "that although he suffered now and then from depredations of cattle, he was not able to say that they were committed by the inhabitants of Bethelsdorp."

The missionaries at the station, as well as the superintendent of the London Missionary Society, have on several occasions complained of the unfriendly feeling of the Landdrost of Uitenhage towards the institution of Bethelsdorp and towards

the Hottentot population ; and in vindication of himself from this charge the landdrost has appealed to certain letters that were addressed to him by the directors of the society, and also by the superintendent, in the years 1818 and 1819, during the last of which he was engaged in visiting the different missionary stations, and was accompanied by other members. These letters certainly contain very strong expressions of the sense entertained both by the directors and their superintendents of the favour which the landdrost of Uitenhage had shown both to the missionaries and to their cause. And to as late a date as the month of July 1819, the superintendent of the missions renewed these expressions, with his personal acknowledgments and those of his associates, for the attention and assistance which they had received from the landdrost in furnishing them with an escort for their protection in their journey towards the frontier. As these sentiments appeared to be greatly at variance with the representations which Dr. Philip has made respecting the conduct of Lieutenant-Colonel Cuyler on other and later occasions, we gave him an opportunity of explaining that difference, and he has stated, that at the period in which those letters had been written, neither the directors of the London Missionary Society nor himself were informed of the real state of the missions at the Cape, and that the favourable reports of Colonel Cuyler's conduct which had reached England were attributable to those missionaries who had shown a readiness to acquiesce in his views and measures at the expense of the Hottentots, and who had experienced from him both favour and attention. In further vindication of himself, Colonel Cuyler has appealed to several inhabitants of the district, who have described the state in which it was found upon his succeeding to the command, and the exertions he made to restore tranquillity and to destroy the connexion which was known to subsist between the Hottentots and Caffres. Making due allowances for the circumstances which these witnesses have detailed, it should be observed that the restraints upon the Hottentots were continued long after the circumstances which justified them had ceased to exist, and that the changes in the system pursued at Bethelsdorp were not followed by any corresponding relaxation of the rule by

which Colonel Cuyler took upon himself to regulate the admission of the Hottentots to that institution. That he viewed with jealousy the acquirement of land by them is proved by the haughty denial which he gave to an application by a Hottentot who had formerly been in his service ; and it appears from his own admission, as well as from the evidence of the man upon whom he inflicted personal chastisement for a very slight fault, that he was not unwilling to give practical proof of the existence of that line of distinction by which, in his opinion, the condition of the Hottentots and that of the free burghers of the colony was separated.

The superintendent of the missions, however, has not confined to Lieutenant-Colonel Cuyler alone the charge of hostility to the Hottentots, and to the missionaries ; he has imputed to the Colonial government of the Cape a systematic attempt to place the Hottentot population in a state of entire subjection to the white inhabitants, to perpetuate the degradation of the former, and thus to establish a belief of their incapacity for the exercise of civil rights or for moral improvement. Upon a later occasion, the colonial government has been charged by the superintendent with an intention of crushing the missionary institutions. The laws which have been already mentioned, and by which the contracts of Hottentots, and the apprenticeship of their children, are regulated, have been quoted in proof of the first part of this charge. It would appear that much of the objection that has been made to this enactment arose out of its defective administration, and to the want of an explicit declaration of the rights of the Hottentots to hold lands. It acknowledged their rights to accumulate movable property, but if it gave them no means or right to secure it, what could be expected from their industry, or what corrective could such a law supply to their habitual carelessness and indifference ? The consequence of this has been that several Hottentots, who had accumulated a stock of cattle and waggons, have continued to live as hired servants to the farmers. Nor can it be alleged that the Hottentots are incapable of cultivating land, and of making a profitable use of it ; the state in which some land was found near the village of Clanwilliam, after it had been occupied and brought into cultivation by a Hotten-

tot, proves to what extent they will push their industry when assured of earning the fruits. If any pains had been taken to select from the missionary institutions Hottentots of intelligence, and who had acquired movable property, and if land in favourable situations had been offered to their acceptance, it cannot reasonably be doubted that they would have become industrious farmers and respectable members of the community, equally independent of the missionary institutions as of the farmers.

The tendency of the law of apprenticeship has been that of confirming the effect of the preceding one, and of multiplying the sources of influence in the master, and of extending the terms of service of Hottentot parents. I have been unable to discover in what respect it has been advantageous to the children, with the exception of the few of those who have learnt trades. From the observations made in the earlier part of this Report, upon the nature of the service of the Hottentots, and of their liability to that which has been called "domestic correction by the master," it will not be presumed that their moral characters can have gained by their contact with the colonists. The principal defect of the Hottentot character, as observed by the superintendent of the Moravian missions, is want of energy, which has been attributed by some to constitutional debility, induced either by want of care in infancy, or by uncleanly habits in after life. They are thus averse to any work that requires continued exertion. It must at the same time be observed, that when Hottentots are employed as woodcutters and sawyers on their own account, and on that of merchants and builders, they have shown themselves capable of performing contracts of some magnitude. If, however, the Hottentots have gained little by their service with the Cape Dutch masters, that of the English settlers have not been more advantageous. The imperfections of their character are more obnoxious to the latter than to the former; and although they are not visited with such severe chastisement, yet the effect of angry words upon the Hottentots will sometimes lead them to commit violence, and not unfrequently cause them abruptly to leave their service. Idleness and inebriety are habits to which they are fatally addicted, and the offence of cattle and sheep stealing is that for which they

are most frequently brought before the courts of justice. I am not aware of any attempt having been made or sanctioned by the colonial government to instruct the Hottentots, or to promote their improvement; much favor has always been shown towards the Moravian missions, and a preference over those of the London society, on the alleged ground of the superior efficacy of the former in exciting the industry of the Hottentots. Until a late period of the Bethelsdorp institution, this preference might have been due, consideration being had to the great local advantages of the Moravian missions; and while the success of the mission at Bethelsdorp was at least problematical, it is not very surprising that the local government should have hesitated in giving its sanction to the accumulation of so large a portion of the labouring population in one place, and subjecting it to a species of theocratic influence, which might operate unfavourably to that of the civil authority. Much of the opposition that was shown by the Dutch government to the exertions of Dr. Van der Kemp arose from the national jealousy of the sources from whence he derived his pecuniary support, and of the friendly feelings which the Hottentots under his care had always manifested towards the English government. Allowing, however, for the operation of those scruples at a particular period, it must be admitted, that although the existence of the missions established by the London Missionary Society has been tolerated by the local government, yet no effort has been made by it to extend the sphere of their usefulness, or to realize the benefits of which they undoubtedly were the willing instruments. There has also been manifested a greater degree of sympathy for the demands of the white inhabitants for the labour of the Hottentots, than of respect for their rights as a free people, or of anxiety to compensate for the many injuries they had suffered by encroachment on their lands. In expressing these sentiments, I will add at the same time my dissent from that of the superintendent of the London Missionary Society, in which he has inferred an intention on the part of the local government "to crush the missions," from their late refusal to make an augmentation of land to those of Bethelsdorp and Theopolis.

As the great sources of those evils of which the missionary

societies have complained have been removed by the provisions of the Ordinance of Major General Bourke, the Lieutenant Governor in Council, and by the confirmation which His Majesty has been graciously pleased to give to it, I shall be excused from entering into a detail of the advantages which this great measure may be expected to accomplish. The Hottentots will now no longer be dependent upon the caprices of the landdrosts for permission to repair to the missionary institutions, or to engage in any place or in any employment that is open to the choice of the free population of the colony. With regard to the future occupation of land, it appears to me to be desirable that the Hottentots should not be congregated too much in one spot, or that in restoring to them a portion of that territory which was once their own, and in admitting them to the enjoyment of privileges in common with the rest of His Majesty's subjects in South Africa, any measures should be avoided which might tend to impress them with an opinion that they are destined to form a distinct class of the population. I am not aware that any of the missionary societies within the colony have hitherto received formal grants of their lands from the government, with the exception of such portions as may have been acquired by purchase from individuals who had previously obtained them.

The occupation and enjoyment of these lands by the Hottentots have been hitherto in common; and if they were now to be divided amongst those of the numbers who possess cattle and movable property, the extent of pasturage would soon be found insufficient. It would be difficult, even if it were desirable, to augment the size of the present missions otherwise than by purchase, but although augmentation may be impracticable, the benefits that have arisen and may well be expected to arise in future from the pious endeavours and good example of the missionaries of both societies, the moral benefit which all classes of the population may derive from the contemplation of their useful labours, will constitute a just claim to the confirmation of tenures, and more especially as to the public buildings. Upon this subject, which is not without its difficulties, I have been fortunate enough to receive the opinion of my late colleague, Major Colebrooke, which I have the honour to subjoin, and respectfully to

add my request that it may be allowed to accompany this Report.

(Signed) JOHN THOMAS BIGGE.

28th January 1830.

To the Right Hon. Sir George Murray, G.C.B.,
&c., &c., &c.

[Original.]

Letter from J. T. BIGGE, ESQRE., to R. W. HAY, ESQRE.

WHITEHALL PLACE, *February 10th 1830.*

SIR,—I have the honor to transmit my Report upon the state of the Hottentot Population and of the Missionary Institutions at the Cape, accompanied by a Draft which I have received from my late Colleague Major Colebrooke upon the future appropriation of the Lands now occupied by the Members of the Institutions.

I have likewise the honor to subjoin a schedule of Documents relating to these subjects, out of which I have ventured to retain five for the purpose of reference in the other Reports which I am preparing upon the Slaves and Free Population of the Colony, and upon the Frontier Tribes. With a view to facilitate any reference which may be required to the Documents mentioned in the Resolution of the House of Commons upon voting an address to His Majesty, I have collected and placed in the Bundle the despatches, orders, and copies of Memorials which were transmitted to my colleagues and myself relating to the London Missionary Society, and also the Papers and Documents which we received from their agent Dr. Philip.

I have &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Letter from J. T. BIGGE, ESQRE., to R. W. HAY, ESQRE.

3 MOUNT STREET, 5th April 1831.

SIR,—I have the honor to transmit to you a report upon the Slaves and State of Slavery at the Cape of Good Hope, and at the same time to express my regret that the state of my health did not allow me to accomplish it at an earlier period.

I have &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Report upon the Slaves and State of Slavery at the Cape of Good Hope.

LONDON, 5th April 1831.

MY LORD,—Although it is difficult to fix the exact Period of the introduction of Slaves into the Cape of Good Hope, yet the early records of the Government and Council attest that it must have taken place soon after the arrival and settlement of the first Colonists. In the year 1658 and subsequently mention is made of the frequent Desertion of the Slaves and of the measures which were deemed necessary to prevent them from taking refuge amongst the native Tribes, as well as to secure their restoration, but no Information is given either of their numbers or of the Countries from whence they had been imported.

The acquisition of Slaves however seems to have been a favourite object with the Inhabitants, notwithstanding the facility and low terms upon which they were enabled to obtain the labour of the Hottentots, and it would appear that the principal sources of supply must have been derived from the occasional visits of Portuguese Traders in their voyages from Mozambique and Madagascar. Slaves were also imported in Dutch Vessels that touched at the Cape from India, but it

seems that in consequence of a request of the Governor of the Colony addressed to the Governor General in the year 1767, a general Prohibition was issued at Batavia against the taking from thence to the Cape any oriental male Slaves for the purposes of Sale or on Commission, under the penalty of confiscation.

Notwithstanding this Prohibition, Slaves, especially Females, were brought to the Cape and left there under various pretences, not only from Batavia and the Dutch Possessions in India, but also from the coast of Malabar. The Importation of Slaves continued after the capture of the Colony by the British, but in the year 1798, and in consequence of attempts that were made to effect it clandestinely, a Proclamation was issued by Governor Lord Macartney, declaring the importation and sale of Slaves without the previous licence and sanction of the Government to be punishable with a fine of Rixdollars 2,000 for the first offence, of Rixdollars 5,000 for the second, and of confiscation of the ship and cargo for the third. The Purchasers of Slaves introduced without licence were declared to be liable to a fine of 1,000 Rixdollars, and the Slaves were entitled to their Freedom and to be sent back to their Native Country. The number of Slaves at this period is stated in the Official Returns to have amounted to twenty-five thousand seven hundred and fifty-four. Soon after the Restoration of the Colony to the Batavian Republic in 1803, a notice was issued by the Governor and Council of Policy declaring that provisionally and until further orders no Permission would be granted by the Government for the landing and importation of cargoes of Slaves, and the attention of the Members of Government was also directed by Commissioner De Mist to the consideration of the means "of providing for the future a gradual extinction of Slavery, and the substitution of free labour." Written opinions were delivered by the Members of the Council, one of which (that of Mr. Van Polanen) was furnished to the Commissioners by Sir J. Truter, and is to be found in the Appendix to his evidence. The Members of the Council of Policy differed from the Commissioner De Mist as to the expediency of prohibiting the further introduction of Slaves, and a Provisional Ordinance of the Batavian Government, dated the 7th July 1803, specified the Duties which

thenceforth were to be payable for slaves imported after that date by the Permission of the Governor, or in his absence, of the President of the Court of Policy, the Importation of Slaves without License subjecting them in like manner as other prohibited Goods, to confiscation and sale on account of the Government.

This same system was adopted by the British Governors after the second capture of the Colony, and an Importation of 500 Slaves for which License had been granted to an Individual by Sir D. Baird in 1806 took place in the year 1808, under circumstances which were explained by the Earl of Caledon and were approved by His Majesty's Government. In the same year, a Portuguese Brig with a cargo of 400 Mozambique Slaves was brought into Table Bay by an English Cruizer, and as it was discovered that some of the Slaves had been clandestinely landed, and that the Master was exporting the Proceeds in Spanish Dollars, a prosecution was commenced by the Fiscal before two Commissioned Members of the Court of Justice, who by their Sentence declared that the ship as well as the Negroes were forfeited to Government. The Slaves found on board the Vessel at the Period of the Sentence amounted only to 46, and sixty-six were afterwards recovered by actions commenced by the Fiscal against Individuals who had become illegally possessed of them.

This condemnation was founded upon the Local Law already mentioned, and not upon the Act of the British Parliament by which the Slave Trade was abolished, and it was the last and only instance of illegal importation of Slaves that is known to have taken place, or that has been the subject of Prosecution, since the Period of the Recapture of the Colony.

The Enregistration of Slaves at the Cape was established by virtue of a Proclamation of Governor Lord Charles Somerset, dated 26th April 1816, and is stated to have been instituted with a view to prevent the free Blacks, whose number had lately received augmentation from manumissions and from the condemnations by the Court of Vice Admiralty of Slaves found on board English and Foreign Vessels engaged in the Slave Trade, from merging into Slavery or being confounded with the Slaves of the Inhabitants. Offices were opened in each

District of the Colony for receiving and registering the Slaves of every Proprietor, which were placed under the immediate inspection of the Landdrosts, but subject to the control of an officer at Cape Town called the Inspector of the Registry, to whom the District Officers were directed to transmit copies of their proceedings, from which Registers for each District were to be framed and kept in the Chief Office at Cape Town.

The Inspector and the District Officers were likewise empowered to grant Certificates to Persons making returns of their Slaves, which were to be counterparts of the Registry, and likewise in cases of the Birth, Death, Manumission, Transfer, Inheritance, Gift, or change of Property in Slaves. The Certificates of Sale were required to be given upon Stamps of five Rixdollars, and were made subject to an additional fee of like amount, towards defraying the expenses of the Establishment. To secure a compliance with this Law, a Penalty of 100 Rixdollars was denounced against parties who failed to notify to the proper Officers the Manumission, Death, Inheritance, or change of Property in their Slaves, and those Persons who delayed making a return of their Slaves or complying with the other regulations beyond the 31st March of the year 1817 for Cape Town and the Residency of Simon's Town, and beyond the end of that year for the Country Districts, were to be deemed to have manumitted their Slaves, and the Court of Justice was directed to require no other proof of Freedom in Slaves not registered until after those Periods except in cases wherein the Owners should for Reasons founded in the Law, as the Proclamation terms it, be justified in their claim to relief. It was also declared that no Infant born in the Colony after the date of the Proclamation should be recognised as a Slave, unless its Birth were registered within six months afterwards, and that no claim to a Slave should be held valid unless the Transfer or Change of Property should appear upon the Registers, of which the Party claiming should have obtained a Certificate. All Manumissions, Deaths, Inheritances, or Changes of Property in Slaves were required to be notified to the proper Officer of Registry, under Penalty of one hundred Rixdollars. Although ample time appears to have been given to the Inhabitants of the Colony to comply with the Terms of this Proclamation, yet such was the reluctance

or the neglect of those Proprietors who inhabited the Cape District and Residency of Simon's Town, and therefore had ample means of informing themselves of the details, that a Prolongation of the Period for making their returns was extended by a Proclamation from the 31st March to the 1st of September of the year 1817. This indulgence is stated in the preamble of the 2nd Proclamation to have been afforded for the relief of well disposed Persons who had omitted to comply with the Regulations of the first Proclamation, and was ordered to be limited to those who should be able to prove that excuse to the satisfaction of the respective Registrars of Slaves, an exception being properly made of cases in which any Slaves had produced a claim to Freedom, or in which any Decision of the Court of Justice had been given on account of the non-compliance with the Proclamation of 1816.

It is stated by the Registrar of Slaves that he had found it impossible to close the original Registry within the Period which that Proclamation required, as the Returns from the Districts were not made, and he imputed this Delay to the Inactivity and Indifference of the Proprietors of Slaves, and in many cases to an entire Ignorance of the Details of the Measure.

He applied therefore to the Government to extend the Period, and although it might have been proper, as the Registrar states, to shew Indulgence to the feelings of the Inhabitants who were averse to the measure, and to conciliate them by avoiding any harsh execution of the Law, yet if ignorance of its provisions was the only legitimate ground for extending the Period of Registration, that indulgence was given to those who from their immediate contiguity to the seat of Government were least entitled to receive it. According to the same authority, a personal inspection of the Slaves was deemed impracticable, and hence has arisen a great defect in the Registry of a Slave Population comprising every shade of colour and a great diversity of national marks, both of which are important in ascertaining the identity of the Slaves. The form of the Returns that were furnished by the Registrar of Slaves does not afford the means of ascertaining the number of Slaves that were admitted to Registry after the month of March 1817, the first Period which was fixed

for closing the Books of Registry in Cape Town and District, and it appears that 6,560 Slaves were registered in those districts between the 26th April and the 1st of September 1816 and 6,106 between the last period and the 31st December 1817.

In the month of January of the year 1818 a Proclamation was issued, which after reciting "that the Period to which the privilege of enregistering Slaves was limited had then elapsed, and the Books of the Registry Offices were finally closed, so that no Person previously a Slave not having been entered thereon could thenceforward be considered as belonging to the class of Slaves," it was declared to be necessary to frame further regulations which should provide for the early enregistration of the Transfers of Slaves, and at the same time afford Protection to those who possessed Property in them.

This Proclamation also contained two clauses calculated for the Protection of Slaves emancipated by Will, and for ensuring the performance of Testamentary bequests of Freedom.

From the return of the Inspector of the number of slaves admitted to Registry by the Court of Justice under the clause of the Proclamation of 1816, by which it is authorised to give relief against the consequences of non-registry in excepted cases, it appears that 98 Slaves were received upon the Books of Registry in the different Districts of the Colony by order of the Court of Justice, but no Slaves have been declared free from want of Registry, and no Return was furnished of the number of Slave Children who had been refused admittance on the Books of Registry on account of not having been presented until six months after their Birth, in which case they are declared by the Proclamation of 1816 to be free, although it is stated in the Return that some instances of such refusal have occurred. The Pecuniary Penalties inflicted upon Owners of Slaves for non-compliance with the regulations which require returns to the different Offices of Births, Deaths, Manumissions, and Inheritances, amounted to the sum of 1,540 Rixdollars at the end of the year 1825, and in the year 1821 applications to the Acting Governor for remissions of these Penalties had become so numerous that a Public Notice was inserted in the *Gazette* by his order, intimating that no

more such applications need be made, as they would not be attended to.

Much indulgence however has been shewn by the Government as well as the judicial authorities in the execution of the details of the measure of Registry, to the novelty of which, as well as to the difficulty experienced in obtaining accurate and simultaneous returns from the owners of Slaves in the remote Districts, much of the delay and the confusion which prevailed in the Books of Registry for the first two years after its Establishment is to be attributed.

By the 13th Clause of the Proclamation of 1816, the Court of Justice is required to appoint a Commission once in every year to examine the Books of the Inspector's Office at Cape Town, and to report to the Governor, and the Judges of Circuit were also required to examine the Registries of the Country Districts and to report to the Governor upon the state in which they were found. Copies of these Reports up to the year 1823 are added in the Appendix, and they are uniform in their commendation of the correct and complete State of the Registries of all the Districts except that of the late District Clerk of Graaff Reynet for 1817.

The observations made by my colleagues and myself in the course of the years 1824 and 1825 enable us to bear a similar testimony, but we cannot extend it to the years 1825 and 1826, in which the general return had been retarded, on account of a difficulty that had occurred in detecting some errors in the Returns of the Frontier Districts, and had not been explained in the month of June 1827.

Although credit is due to the views of the Local Government in the early and unsolicited adoption of the Principle of a Slave Registry in the year 1816, yet large concessions seem to have been made to the reluctant and jealous feelings of the Inhabitants, in deferring the period for closing the Registry from the month of April 1816 to March 1817 for the Inhabitants of Cape Town and the Cape District, and to the month of December of that year for the Inhabitants of the other Districts.

No information was received of any attempts during this long interval to increase the stock of Slaves by illicit and clandestine Importation, but it must be observed that the

Returns of the Opgaaf Rolls give an increase of 1839 slaves between the year 1816 and 1818, and that the Return made in the last of those years from the Office of Registry rather tends to confirm that result.

There exists, however, in other subsequent years a very great difference in these two enumerations, which has not hitherto been explained, the number of slaves returned in the Opgaaf Rolls being always less than that which appears upon the Books of the Registry.

The former indeed are actual returns made annually by Individuals, and comprise all the different elements of Property, Stock, and Produce upon which the general and Provincial Taxes are assessed. The latter consists of Returns of Births, Deaths, and transfers of Slaves which are sent in the course of each year to the Assistant Registrars in the Districts and by them copied and transmitted to the Principal Officer in Cape Town, and entered there in the respective Registries of each District, from which a general state of the Slave population at the end of every year is made out. From the loose and hasty manner in which the opgaaf returns were executed, errors may easily occur, but the accuracy of the Slave Registry depends very much upon the correctness of the original enumeration, which it must be observed has never been tried by any identification of the slaves themselves. The circumstances and position of the Colony are such as to require some Periodical test of the Powers of the Slave Registry, for although experience has proved that little is to be apprehended from illicit importation of Slaves by sea into the Colony, yet the variety of feature and complexion of which its Slave Population and that of the Border Tribes is composed, affords opportunities of fraudulent and illicit increase which it would not be easy to detect.

The Inspector of Registry also admits that the Progeny of Prize Negresses by Slaves might, on Estates in the Remote Districts, be introduced into the Registers as Slaves, although in Cape Town he thinks that such a fraud would not escape Detection. In the form of Registry which has been adopted, a column is rightly allotted for the name of the mother of every Slave, and in that which now contains the occupation, the colour might with more advantage be inserted. The

dispersed state of the Slave Population, except in the Cape and Stellenbosch Districts, will no doubt create some difficulty in this, as it invariably does in other branches of the Colonial administration, but the object to be attained is one of real Importance, and was postponed at the first establishment of the Registry from the wish entertained by the Local Government to divest the measure as much as possible of objection and inconvenience to the Inhabitants.

Being now more familiar with its details and object, they will be less reluctant to comply with the requisitions which the Local Government may make for the attendance of their Slaves, and which by proper arrangement on the part of the Inspector and his subordinate Officers may be effected without much inconvenience.

In the Appendix is a statement framed from the Returns of the Slave Registry of the Deaths and Births of Slaves from the year 1820 to 1825 inclusive, which gives an increase in that period of two thousand two hundred and twenty-seven slaves, or at the rate of $6\frac{1}{2}$ per cent upon an amount of 34,329. This result differs materially from that of the returns of the annual opgaaf rolls for the space of twenty years commencing in 1806 and ending in 1826, and which gives an increase of 2,679 slaves upon 29,861, or a rate of increase of 9 per cent. The annual amount also of the Slave Population as given by the Registry and the Opgaaf Rolls have materially differed since the year 1818, and in 1825 that of the former was 35,509, of whom 14,299 were females, while the latter was only 32,830, of whom 13,767 were females. This great difference has never been satisfactorily explained, nor can implicit credit be given to the Returns of the Office of Registry until they have been verified by a personal examination of all the slaves that are entered upon the Books.

The most usual mode of emancipating Slaves at the Cape has hitherto been by Testamentary Disposition, which in a great many instances was made liable to onerous conditions, either of continued personal service during the minority of children, or to the payment of stated sums at fixed periods, as a consideration for exemption from servitude; and in all cases the manumission of a Slave was charged with the payment of 50 Rixdollars to the Poor Fund of the Reformed Church, and

secured by the obligation of two persons who bound themselves in solidum that the emancipated slave should not within the period of twenty years become burthensome to the Church, or be entitled to apply for any aliment or support. By a Proclamation dated in the year 1823, the Payment to the Reformed Church was repealed on the Manumission of Slaves who had embraced the Christian Religion, and by a latter enactment dated in 1826, enlarged by the 52nd clause of an order of the King in Council of the last year, no Duty, Fee, or Impost, except one not exceeding 20 shillings for enrolment of a Deed of Manumission in the Court of Justice, is allowed to be charged, under a Penalty of £50. It was stated by the Registrar of Slaves that the payment of the sum of 50 dollars to the Church and the security required for not becoming chargeable, had operated unfavourably upon manumissions, and he furnished the Commission with a return of those (amounting to 26) which had remained at his Office on account of the inability or unwillingness of the Parties to defray the charge. Between the years 1816 and 1824 the total number of manumissions amounted to 266, of which 119 consisted of male and 147 of female slaves, and in the year succeeding the abolition of the Payment of fees, the number of manumissions amounted to 210. Of the manumissions executed between the years 1816 and 1822, 17 were effected by purchase and 175 by voluntary grants.

The laws which regulate the manumission of Slaves at the Cape are derived either from the Roman Law or from the Statutes of Batavia, and are set forth in a Report made by His Majesty's Fiscal to Governor Lord Howden. The 91st article of this collection, by which the previous permission of the Governor was required to be obtained to enable owners of Slaves to manumit them, has been repealed by the 53rd clause of the order of the King in Council of the 2nd February 1830, and other articles give grounds of claim to emancipation, some of which have been recognised in the Courts of Law. The law of Batavia which prohibited the sale of Slaves who had been catechised and confirmed in the Christian Religion was repealed by a Proclamation of Governor Lord Howden dated October 1812, in which it was declared that the effect of the Law had been unfavourable to the promotion of Christianity

among Slaves. By the law and usage of the Colony, Slaves were not permitted to appear and plead in the Courts of Law on their own behalf, but they might make a verbal statement of their claims to freedom, either to the Courts or to the Fiscal, and if they were able to produce or to procure any documentary proofs the Court appointed Curators ad litem.

From the number of these claims which were presented either verbally or by written statement to the Commissioners, and from the difficulty and delay which were experienced in the pending suits for freedom, there was strong ground for believing that the proceedings to which Slaves were parties were not zealously pursued. By a return which was furnished by the Secretary of the Court of Justice, it appears that from the year 1809 to 1823 68 claims of Slaves to freedom had been brought before the Court of Justice at Cape Town, 20 of which had been dismissed, and 13 were in progress and conducted by the different curators at the date of the return.

During the Discussions to which the publication of the Ordinance No. 19 in the year 1826 gave rise, none of its clauses appeared to excite more irritation amongst the Colonists than those which conferred upon the Slaves the right of purchasing their freedom or that of their wives and families at a price to be fixed upon as their fair and just value. Neither the principle of the Law nor the Practice of Slave Owners had been favourable to the acquisition of Property by Slaves, for although it is stated in the 34th article of the Fiscal's Report upon the Slave Laws that conscientious Masters leave to their Slaves the free administration of what they acquire by their Labour or otherwise for themselves, and may be compelled to fulfil engagements which they have entered into in respect of such acquired Property, yet there existed no express recognition of any right in the Slave to hold or to transmit it by will, until the Proclamation issued by Governor Lord Charles Somerset and dated the 18th March 1823; and the nature of the usual employments of the Predial Slaves with a few exceptions of those in the immediate vicinity, and of the better description of Domestics in Cape Town, did not admit of any profitable application of their labour for their own benefit. Instances certainly occurred of Slaves who had recommended themselves to the favour of their Masters by their superior skill and their

good conduct as superintendents, being rewarded by leave to work upon their own account and to sell the produce of their gardens on Sundays, but the opportunities of acquiring the means of purchasing their freedom are not frequent amongst the Slaves at the Cape, and they had no remedy or appeal against an unjust or extravagant estimate of their value. The Proclamation issued by the Lieutenant Governor in Council on the 19th June 1826 for the amelioration of the Slave Population, and which is now superseded by the Order in Council of his late Majesty dated 2nd February 1830, after providing against the unjust appraisement of Slaves, contained a clause which required every Slave who was desirous of purchasing his own freedom or that of his wife or relations to prove to the satisfaction of the Guardian of Slaves that he had obtained the purchase money by lawful means, but the order in Council of March 1830 provides in the 52nd clause that where it should appear that the money to be paid for his freedom by any Slave had been obtained by a Donation *inter vivos*, with an intention of making him free, the Proceedings for the Purchase should be suspended, with Power to the Slave to renew it at some future Period. If this Clause had been enacted at an earlier period, it would have had a very unfavourable effect upon the emancipations which appear to have been made by several Malays and Mahometans in Cape Town of female Slaves who had long cohabited with them or of their relations, but its effects will be more injurious in checking the efforts of a Society that was formed in the year 1826, and which has received the sanction of the late Lieutenant Governor and the present Governor of the Colony, for the purpose of aiding meritorious Slaves and Slave children in the purchase of their Freedom. By disclaiming all interference with the rights or interest of the Proprietors of Slaves, and by a judicious application of their limited means to the purchase of young female Slaves, the Committees of the Society had succeeded beyond their first expectations, and had not only purchased the freedom of several young female children, but had provided for their maintenance and education by placing them as apprentices in respectable families.

It is also to be remarked that the right which was given to Slaves to purchase the freedom of their wives, husbands,

brothers, or children by the 19th Ordinance of the Lieutenant Governor in Council is now limited by the order of His Majesty in Council to the Freedom of the Slaves themselves.

Amongst the enactments of the Batavian Government made in favour of the Slave Population, there is one by which Christian Masters were required to bring up their Slaves in the Christian Religion, to catechise them and have them baptized, provided that no coercion was found necessary to effect these purposes, and the submission of Slaves to the rites of the Mahomedan faith was prohibited by severe Penalties.

The first injunction does not appear to have been in frequent observance at the Cape under the Dutch Government and rarely to have been carried beyond the admission of the Slaves to attend Divine Worship under their Master's roof. In the year 1823 a Proclamation was issued by order of Governor Lord Charles Somerset for the purpose of instructing and civilizing the Slaves and ameliorating their condition, and as many of its enactments are still unrepealed, it may be right to notice them in this place. Masters of Slaves were forbidden to compel them to labour on Sundays or to perform any other work than such as was ordinarily considered work of necessity, under a Penalty not exceeding 50 nor less than 20 Rixdollars. With a view to encourage the Christian Baptism of Slaves, those proprietors who caused their Slaves to be baptized were exempted from any Tax in respect of them, and children not born in wedlock of a Slave woman who had embraced the Christian Religion and had been baptized were not to be sold or separated from their Mother until they had attained their ninth year, nor could such children be sold separately from their Mother except under a Decree of a Court of Justice. These measures have not had much effect in promoting the Christian Baptism of Slave Children, for by the returns that were made by the clergymen of the Districts of the Colony, excepting two in which the Slaves and free persons of colour were included under the same description, the number of Slaves that had been baptized between the years 1810 and 1824 did not exceed 86. By the 4th clause of the same Proclamation Christian Slave Proprietors residing in Cape Town and in other Towns and Villages where Free Schools were or might be established, were required to send their Slave

Children above three and under ten years of age at least three days in the week to the nearest free school, and those whose residence was too remote were invited to avail themselves of any means which might offer to give them instruction. The establishment of a system by which elementary and religious instruction might be diffused among the Slave children had been suggested by the Gentleman who filled the situation of Colonial Secretary in the year 1817, and it was also proposed that the children of Christian Slaves regularly married should after being educated in Christian Principles no longer be considered transferable Property. It was not at that Period considered expedient by the local Government to connect the religious and moral instruction of Slave Children or even of adults with any scheme for the ultimate attainment of their freedom, and although some of the suggestions of the Colonial Secretary were embodied in the Proclamation, they were limited to providing the means of elementary education for Slave Children. In Cape Town in 1823 under the direction of a Society called the Bible and School Commission the number of slaves and slave children who received instruction in Free and other Schools amounted to 1,115, those at a School of the Wesleyan Methodists 30, at the Government Slave School 17, in all 1,162; at the Village of Stellenbosch a spacious building was purchased in the year 1824 for the separate use and instruction of the Slaves, whose number amounted to 73, and at Graaff Reynet similar accommodation was provided. At the schools in the other villages the attendance of slave children was neither so numerous or regular, and the number that received public instruction throughout this Colony might be estimated in the year 1825 at 390. A limitation was given to their number by the Publication of a Document by the Local Government in the year 1825, entitled explanations of the Proclamation of the 18th March 1823, by the 3rd clause of which it was declared that the children of Christian Slaves were to be sent to the Government free schools.

In Cape Town the limitation does not appear to have been strictly applied, for children of Mahomedans were admitted to some of the Schools, but in the Country Districts and Villages where few Christian Slaves resided, the restriction of the benefit intended by the Proclamation of 1823 was sensibly

felt. The Limitation however was repealed by the 26th clause of the Ordinance No. 19 issued by the Lieutenant Governor in Council in the year 1825, which adopted the Terms of the Proclamation of March 1823 under which Christian Slave Proprietors were entitled to send their Slave Children to the Free Schools without reference to the religious faith of their parents.

The answers furnished by the Clergymen of the different Districts to the Inquiries which were addressed to them respecting the state of Religious Instruction and especially the Difficulties that might have been found to impede the education of the Slaves and the coloured Population, do not agree in ascribing to the Proprietors a general desire to meet the views of the Government in giving instruction to the Slaves, while some are represented to be still impressed with a belief in the claim to Freedom which Slaves acquired by becoming Christians, and others are said to view with apprehension any measure which might have a tendency to abridge the relative distance between the Master and the Slave. All of these respectable authorities however agree in the counter-acting influence arising from the widely dispersed state of the slave population, the difficulty of procuring proper and competent instructors, and the powerful attraction presented to the Slaves by the principles of the Mahomedan faith. It is indeed strongly believed that the manifest preference shewn by the Slaves for it is regarded with indifference by the Masters, while the zeal and activity of the Malay Priests are amply rewarded by the increased number as well as by the constancy of their followers. In Cape Town it has been remarked that the adoption of the English Language in the Free Schools may have deterred the Dutch Proprietors from sending their slaves to be instructed in it, and that difference of Religious belief has also had its effect in impeding the success of the Schools framed upon the model of the national system in England.

The same causes are found to operate unfavourably upon the religious instruction of the Slaves, adult as well as young, and at Cape Town there exists a want of buildings adapted to that purpose, independent of the difficulty that is experienced in collecting the Slaves on Sundays, and preventing their

pursuit of objects of amusement, of individual interest, or of indulgence, the last of which was greatly promoted by a Practice (that has now ceased) of keeping open the houses licensed for the Sale of Wine and Spirits. The religious Instruction of the Slaves appears to have met with more encouragement in the Division of the District of Stellenbosch called the Paarl, than in any other part of the Colony, and apparently in consequence of the greater contiguity of the estates and the construction of two Meeting Houses in convenient situations. The number of Slaves of both sexes who attend at these places was stated to amount on Sundays to near 300, and as it was found that more would be able to attend if accommodation existed for them, measures were in contemplation for providing it.

As the influence of the Mahomedan Priests over the Slave Population was a subject that had been frequently noticed, returns were obtained from them of the Slaves who attend the Mosques and who are recognised as Mahomedans, and some explanation was afforded by the Chief Priests of the Principles by which their authority over their followers is regulated.

By the lists 846 male and 422 female slaves appear to form part of the Mahomedan congregation in Cape Town, and 42 male and 16 female slaves in the Country Districts. A school that is kept by one of the priests in Cape Town is attended by 372 Slave Children. To be admitted to the Mahomedan Faith Infants must be brought to the Mosque seven days after their birth, and are then named by the Priest; they are afterwards taught the precepts of the Koran, and they learn to read and write Arabic. Many also are sent to the European free schools, where they are taught to read and write the Dutch language, but it does not appear that the instruction which they receive at these schools has any influence upon their Faith. As it is contrary to the Precepts of the Koran that a Slave should be a Mahomedan, the Priests endeavour to make the Slaves believe that although their bodies are held in Slavery, yet that their souls are free, and that they must trust in God to make them free when they die. It is also contrary to the Mahomedan Law that those who follow it should sell their slaves, and if a Mahomedan buys a slave of a Christian, and the Slave becomes a convert to the faith of his new owner he is entitled to be

considered as an equal in his family and cannot afterwards be sold, and at his Master's Death both himself and his Children are enfranchised: at the same time the Slave is allowed to earn the means of redeeming his Freedom, or if he wishes to be sold or to separate from his Master, he is allowed to find a Purchaser.

Although the abstinence and sobriety which the Mahomedan Law enjoins is found to be favourable to the Morals of the Slaves who yield obedience to it, yet the Influence of the Malay Priests over the Slaves is said to be used in encouraging the latter to acts of dishonesty and plunder, the fruits of which are either divided with the Priests or applied to the support of the Mosques and to the celebration of their festivals. In the reports upon the Criminal Law and Police notice was taken of the heavy suspicions to which the free people and Slaves professing the Mahomedan Faith had long been liable, and the peculiar interference of the Police Officers to which they were subject.

In the course of their examination upon these points, the Priests asserted that many persons who have been apprehended and prosecuted for crimes have been taken by the Police for Mahomedans, although they possessed no other title to be so considered than that of wearing the Mahomedan handkerchief, and had never been admitted to the Mosques or had been expelled as unworthy members; and they solemnly declared that their true followers contribute nothing for the private use of their Priests, who derive their subsistence from the pursuit of various trades and occupations; they admitted at the same time that they received trifling contributions, made at the discretion of the Parties, on occasion of marriages and births, but never exceeding one or two rixdollars (1*s.* 6*d.* or three shillings sterling), and that nothing was received when the Parties were poor, on such occasions also contributions are made for festivals when they are celebrated at the houses of the Parties.

The Marriage of Slaves who had been baptized and were not within the prohibited degrees of consanguinity was first sanctioned by the Proclamation issued by Governor Lord Charles Somerset in the year 1823, and further provision was made in case of the refusal of the Proprietor by the Ordinance

of the Lieutenant Governor in Council No. 19, which has been confirmed by the Order of His Majesty in Council dated in March 1830. The last enactment also, after declaring the competence of Slaves to contract marriage, extends the Privilege to all, and abolishes the limitation contained in the former Proclamation to such as had been baptized. The Clauses of the Order in Council which prohibit the separation of husband and wife or parent and children under execution of a judicial sentence or Sale upon the death of their owners will tend to diminish one of the great evils attendant upon the state of Slavery at the Cape, and which arises from the dispersion of the Proprietors over a very extensive tract of Country. Without this restriction it would be in vain to expect that the Slaves should contract or cherish any permanent attachment, and yet there is reason to apprehend that it will be regarded by the Proprietors as an interference with the right of freely disposing of their slaves, uncompensated by the prospect which it affords of their moral improvement. The ceremony of marriage is frequently performed by the Mahomedan Priests between the Slaves who profess their Faith ; in case they are separated at the will of their Masters, which frequently happens, the Priests do not object to re-marry the male Slaves to other women, but decline to give the women in second marriage, unless the first has been dissolved by consent of the man or the misconduct of the woman. Polygamy amongst the Mahomedans at the Cape has according to the Practice observed by the present Priests been limited by the authority of two of their Predecessors, who were Arabs, to two wives, and it is only allowed when the husband can afford a separate establishment. The number of persons at Cape Town who were so situated was not considered to exceed 20.

As the regulations for the moral and religious instruction of the Slave Population now consist of those which are contained in the Proclamation of the 18th March 1823, it may be expedient to consider whether the obligation upon all Slave owners to send their children above the age of four years to be instructed at the Free Schools should not be enforced by a Pecuniary Penalty, and that they should be required to give their attendance on five days in a week, instead of three. An additional number of competent masters will be required if

this duty should be enforced, and proper buildings should be procured in Cape Town, which might also be applied to the religious Instruction of the Slaves on Sundays.

The principal Church is at present too much crowded to afford accommodation to them, and it has been recommended by one of the Clergymen of the Reformed Church in Cape Town that the Slaves should be assembled in a separate place of worship, and that a Preacher who understood the Malay language should be appointed by the Government in the same manner as is observed at Batavia for their special instruction. The dispersed state of the Slave Population in all the Country Districts, except that of Stellenbosch, interposes a great impediment to their instruction, which can only be removed by the employment of catechists in the families of the most respectable farmers, instances of which are not uncommon, and would be more beneficial if the individuals employed were of greater competence. The Ordinance issued by General Janssens in 1803 for the administration of the Country Districts contained a clause describing the view which the Batavian Government then took of the state and condition of Slavery.

It charged the Provincial Magistracy with the sacred duty of watching over the Protection of the Slaves, and declared that the right of Property in human beings should never be used as a pretext for maltreating them. The Government therefore expected that the constituted authorities and civil Servants should treat the Slaves as their fellow creatures, and not suffer any cruelty to be practised towards them. The Landdrosts were bound to attend to whatever could promote their civilization, to have moral principles instilled into them, and to render them useful members of Society. A power was further given to these Magistrates upon the complaints of owners of Slaves and after examining and finding them well founded, to inflict a temporary imprisonment not exceeding six months, corporal punishment, and putting irons on their legs, and in cases where the Slaves made complaint of maltreatment against their owner, they were first to be placed in safe custody, and if the complaints appeared to be well founded they were to be prosecuted by the Landdrost before the Court of Justice, and if the Complaint proved to be

frivolous or false, the Landdrost was upon consultation with the owner to order punishment to the Slave.

The Power of inflicting Punishment on Slaves was given to Proprietors or Persons employed by them by the 17th clause of the Proclamation issued by Governor Lord Charles Somerset, of the 18th March 1823, and it was limited to mild domestic correction, which was not to exceed 25 stripes, and in no case to be repeated within 24 hours, under a penalty not exceeding 100 Rixdollars, nor less than 50.

As the operation of these Laws was particularly described in treating upon the criminal Law and Police of the Colony, it will not be necessary to repeat the details with which they were accompanied.

The administration and operation of them was necessarily committed to Individuals who either from habit, education, or identity of Interest with the Owners of Slaves, could not fail to sympathize with them on all questions arising out of that relation, and although the general disposition of the Inhabitants is not marked by cruelty, yet that portion of them which become possessed of property in Slaves has always cherished very high notions of the rights which it conferred and very limited ones of those which the more recent enactments had accorded to the Slaves. It is not in the severity of their Labour that the sufferings of the Slave Population at the Cape have so much consisted as in the occasional severity of the Punishments which have been inflicted in the remote Districts of the Colony; although it is painful to add that the most remarkable instance of cruelty in the treatment of a slave, and which was noticed in a former report, occurred in the populous District of Stellenbosch, and that the Punishment with which it was visited has not prevented the occurrence of later instances, though fortunately of less atrocious character. In the remote districts of the Colony, the distance that separates the residences of the Farmers from each other and also from the seat of the Local Magistracy, is frequently so considerable as to afford impunity to Delinquents, while it deters the oppressed slaves from attempting to obtain redress, and leaves them no alternative between a repetition of cruel treatment or flight beyond the borders of the Colony. The visits which the Landdrosts were required by their Instructions

to make for the purpose of enquiring into the condition and complaints of the Slave Population in the different Districts have been much neglected, and those which were made by the Commissioned Members of the Court of Justice on their Annual Circuit did not appear to be effectual in giving the opportunities which it was the object of the Government to afford to the Slaves to state their grievances. The appointment of a Guardian of Slaves at Cape Town and of Assistants in the Districts is calculated to inspire the Slaves with a degree of confidence which it was not natural for them to feel when the duties of Advocate and Magistrate were combined, as they formerly were, in one and the same person, and if the performance of the important duties now assigned to the Guardians is met with an impartial feeling on the part of the Provincial Magistracy, a salutary apprehension may be excited amongst the Slave Owners in the most remote Parts of the Colony, which may have a most beneficial effect upon the condition of their Slaves. The Prohibition of the use of the whip as an instrument or symbol of authority is not applicable to the owners of Slaves at the Cape, for it is not in use as such, but there should be an express prohibition of the use of an instrument called the Samboc, (the hide of the Buffalo or of the Rhinoceros), which is very generally in the hands of the farmers, and is a dangerous instrument of punishment. It has already been observed that the Labour to which the Slaves at the Cape are accustomed is not attended with peculiar severity. It consists of Labour in the Vineyards or in the ordinary operations of Agriculture, of which the herding of sheep and cattle and the driving of waggons are attended with the most fatigue.

By the Proclamation of 1823 and the Ordinance of 1826 before referred to, Slaves employed in Garden or Field Labour are not to be compelled to work more than ten hours out of every twenty-four from the 1st April to the 30th September, nor more than twelve hours from the 1st October to the 31st March, except in the seasons of harvest and ploughing, or in cases of unavoidable necessity, when a fair remuneration is to be allowed and settled in case of Dispute by the Local Magistrates, and if any excess of Labour be imposed without such excuse, the transgression is made liable to a Penalty not exceeding Five Pounds Sterling nor less than one pound. The

Slaves in Cape Town are either employed as coarse Mechanics or Domestic Servants, and those born in the Colony are generally found superior in intelligence and dexterity to those who have been imported. Some of the most skilful are allowed to carry on Trades on their own account, and to reside in houses apart from their masters, paying them a monthly sum for the indulgence. To the higher Description of Slaves has been also allowed the command of the whole of Sunday, which is employed by them in working for their own profit, and too frequently spent in amusement and intoxication. The regulations for the supply of food and clothing to the Slaves are also contained in the Proclamation of 1823, and were repeated in that of 1826. The 14th Clause of the former requires that every Slave shall be daily supplied with wholesome and sufficient food, and an appeal may be made by either Party if dissatisfied to the Local Authority, and if Deficiency or bad quality be proved, the Proprietor or Employer shall incur a Penalty of 25 Rixdollars for the first and 50 Rixdollars for the second offence.

From the abundance and cheapness of animal food which generally prevails at the Cape, the Slave population partake more largely of it than in most of the other Slave Colonies, but less of vegetable food is given to them or raised by themselves. Fresh fish or in a slightly cured state is given to the Slaves at Cape Town and in the immediate neighbourhood, and not unfrequently procured by the Farmers, who resort to the Coasts for it. The Slaves are also supplied with Bread of very coarse quality, but there seemed to be no regular quantity of that or other articles of food ordered or known as daily allowance. Upon many Estates in which a regular system of labour is established, it is customary to give a moderate allowance of wine, especially in time of Harvest. Although the quality of the Food which is given to the Slaves is of the coarsest kind, yet there is reason to believe that it is generally sufficient. The Regulation for the clothing of the Slaves specifies no quantity nor articles of dress, and the Slaves in the Country Districts appeared to be generally inadequately provided against the vicissitudes of the climate. Ill-tanned leather and sheepskins furnish the ordinary covering to this portion of them, but in Cape Town

and in the Chief Towns of the Districts, the Domestic Slaves are better provided. A manifest difference indeed prevails between the treatment, habits, and condition of the Slaves in Cape Town and those in the Country, which is known to create a strong apprehension in the former of being removed by sale to the estates of distant Proprietors, where employments and modes of life are given to them to which they are utter strangers. A new power of punishment is thus given to the owners of Slaves in Cape Town, which they are able to exercise without responsibility, and which except for the restraint imposed by the 46th, 47th, and 48th Clauses of the last Order of the King in Council, would enable them to dissolve those domestic ties which it is the declared intention of the British Government to encourage and protect. The exercise of this Power has also had the effect of transferring to the Country Districts, from Cape Town and District, a great many slaves of the worst character and conduct, who have been purchased at very low prices by the Farmers, and who have contributed by their vicious examples to contaminate and mislead others, and have caused the infliction of more severe Punishments.

By the return furnished by the Inspector of Slave Registry at Cape Town of the number of Transfers of Slaves made in the different Districts from the year 1816 to 1824 inclusive, it appears that the number of those effected in Cape Town has increased from 183 in the first of those years to 679 in the last. In adverting to the circumstances which either tend to the continuance of the state of slavery at the Cape or which affect the condition of the Slaves themselves, it would appear that the rate of increase, notwithstanding a larger existing disproportion of the sexes than in any other Slave Colony except Mauritius, will not only maintain but augment the numbers of this class of the Population, and that the disproportion of females is now slowly but gradually diminishing. Taking the returns of Deaths and Births of Slaves as furnished by the Inspector of Registry from the year 1820 to 1825 both inclusive, it would appear that the Births during that period amounted to 6,634 and the Deaths to 4,407, leaving an increase upon the Slave Population of 2,227. Without any positive evidence of increase from illicit sources, there is

enough in the position of the Colony and the state of the Population beyond the Frontier to call for the vigilant application of the powers of the Law of Registry by the officers of that Department in the Frontier Districts, and a constant and prompt superintendence on the part of the Inspector at Cape Town. The most efficient measure for the detection of imposition will be found to be that of Personal Inspection of the Slaves previous to their admission to Registry.

Although it is satisfactory to observe that the forms and expences which formerly obstructed the emancipation of Slaves are now nearly withdrawn, and that the 57th Clause of the last Order of the King in Council will enable those who by their industry can earn the amount of their own value, to purchase their emancipation, yet it must still be a matter of regret that the power of purchase no longer extends to the freedom of the wife or husband, child, brother, or sister of a slave, as it did by the 33rd Clause in the Ordinance No. 19 of the Lieutenant Governor in Council of the year 1826. It must also be remarked that the Slaves are prohibited from being employed on Sundays, except in works of necessity, and as none of the week days are allowed for their exclusive use and benefit, and as Donations are prohibited, it is difficult to foresee by what honest means they will be able to effect their emancipation. From the body of Colonial Proprietors little aid is to be expected during their lives, and the conditions which too often accompany their Testamentary freedom shew with what a reluctant and parsimonious spirit the tardy recompence of faithful service is awarded. There no doubt are families as well as individuals who cherish feelings of genuine attachment towards their Slaves, and manifest them by the deep concern and sympathy that they take in their hours of illness and death, but it is unfortunately much more common to hear lamentations of the Proprietors over the pecuniary loss which they sustain by the death of their slaves than expressions of sorrow or regret for them. The Native Slave Owners in the Colony have imbibed very strict notions of their right of Property in Slaves. It is incorporated more or less with every inheritance, marriage portion, or territorial acquisition, and may be said to constitute the chief value of each. It affords to the Slave Owners

also greater facility than any other species of property for raising money upon mortgage, and the sum of money secured in this way amounted in the year 1823 to twelve million three hundred and seventy-five thousand Guilders, and the number of Slaves pledged to 4,089. Occasional losses by diseases amongst their slaves have impressed several of the owners with the precariousness of their Property, and the constant and vexatious task of superintending and directing the labour of their Slaves has led several to express regret that such Property was ever placed at their Disposal, and that the cultivation of the lands of the Cape had been dependent upon coerced labour. Of this opinion was the Member of Council under the Batavian Government in the year 1804 Mr. Van Polanen, who on the discussion of the question proposed to the Council by the Commissioner Mr. De Mist, whether Slavery could be dispensed with and free Labour substituted by the introduction of Europeans, declared "that the existence of Slavery was a curse for this Colony and its Inhabitants, because it was attended with a fatal consequence inseparable from that evil to their moral character and to the whole of their existence."

The effects of Slavery are not less injurious at present to the moral character of the White and other Inhabitants than they were in 1804, but there has been little disposition evinced by them to diminish its extent or to second the efforts of the Government in improving its character. The restriction imposed by its order upon the introduction of agricultural Slaves into the District of Albany has been observed. In the year 1822 the number amounted to 344, consisting of those that belonged to Proprietors of the district of Uitenhage who were included in that of Albany upon its separation from the former, and it appears that eleven slaves were permitted to accompany two of the civil servants who received appointments in the District, and a certain number was permitted to be employed by an Inhabitant of Uitenhage who had contracted to build the Gaol at Graham's Town. In the year 1825 the number of Slaves in the District and returned in the Opgaaf lists was reduced to 100, in consequence of the detachment of part of the District for the purpose of erecting the new one that is named Somerset, in which the considerable

number of 1873 Slaves was returned. It is highly desirable that the restriction upon the employment of slaves should be enforced in all Lands granted in this new District as well as in that of Albany.

Without having had any opportunities of judging whether the measures recently adopted by His Majesty's Government for the amelioration of the personal condition of the Slaves and for the prevention of cruel treatment or excessive punishment have been attended with effect, I will only advert to those which were considered by my colleagues and myself as most conducive to those ends. Amongst the first was an improved structure of the Supreme Judicature and the Provincial Magistracy, together with the appointment of a Guardian of Slaves in Cape Town and of Assistant Guardians in the Districts. With a view to secure a just and impartial feeling in the minds of all persons composing this Body in all questions touching the freedom and treatment of the Slave Population, we recommended that they should be prohibited from holding any property in Slaves.

Some of the Regulations enacted in the Proclamation of the Lieutenant Governor in Council in the year 1826 relative to the infliction of punishment of the Slaves had been carried into effect during the presence of one of us in the Colony, and had been found beneficial.

The recent order of the King in Council has required a record to be made of all domestic punishments and witnesses to be present at the infliction of them, which will operate as a salutary check upon the exercise of this formidable power. But as it has repealed the Ordinance above referred to, and doubts may be entertained whether the Proclamation of 1823 is still in operation, it may be found advisable to re-enact, through the Local Government, such Clauses as have been omitted in the Royal Order in Council, and which may be still beneficial to the Slave Population.

The 15th Article of the Ordinance No. 19 requiring a report to be made within 24 hours of the putting a Slave in irons, is part of the old Colonial Law derived from Batavia, and is calculated to afford protection to Slaves against arbitrary imprisonment, the 16th Article also respecting the interment of the corpse of a slave without written permission is highly important.

By the recent Order of His Majesty in Council (1830) it is declared that the infliction or authorising of an illegal or cruel punishment or of any cruelty towards a slave by his owner may, in the discretion of the Court before whom he is tried, render his interest in the Slave liable to be forfeited to His Majesty in addition to any other punishment which the Law may warrant.

The 43rd and 44th clauses of the Ordinance No. 19 contain this as well as other important provisions in similar cases, in one of which it is declared that when the maltreatment of a slave is attended with death, it shall be governed by the Law applicable to homicide.

Another article assigns a very just punishment to persons twice convicted in the Colony for inflicting any cruel or unlawful punishment upon a slave, and that he shall be absolutely and legally incapable of being the owner or acting as a manager, overseer, or superintendent of any Slaves, and that the Slaves that belong to him are to be sold for his account under condition of never coming into the power or under the control of His Parents, Children, or Brothers and Sisters. The legal incapacity to hold or to manage Slaves, a just consequence of hardened cruelty towards them, forms an appropriate addition to the forfeiture to His Majesty of the property, which is denounced by the 71st clause of the Order of the King in Council, and it has been found that the condition prohibiting Slaves when sold under sentence, from falling into the hands of relations of the convicted party has been absolutely necessary to protect them from the vengeance of their owners, when they have succeeded in obtaining temporary redress. It has been regretted that the relationship of an Uncle has not been specially included in the prohibited degrees.

Whatever may be the success of the measures that have been taken to secure the civil and personal rights of the Slave Population in the Colony, and to prevent the increase of their numbers from illicit sources, it is not to be expected that much improvement can be made in their moral character under the circumstances which have been described. In Cape Town, Stellenbosch, Uitenhage, and Graaff Reynet the opportunities of giving elementary instruction to the Slaves from three to fifteen years of age resident in those Towns, may be improved,

and also of impressing them with the leading principles of religious and moral truth, but the Slaves of the same age in the Country Districts and at the habitations of the Farmers must depend in great measure upon the disposition of their Masters to admit them to a participation in the limited means which they enjoy themselves of giving instruction through itinerant teachers to their own Families, and considerable change must be effected in the feelings with which the Cape Farmers have been accustomed to regard their Slaves, before the expediency of such a course, both as it regards the present and future welfare of that unfortunate race, can be impressed upon them. I have &c.

(Signed) JOHN THOMAS BIGGE.

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